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BEDOUIN JUSTICE

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BEDOUIN JUSTICE

LAWS & CUSTOMS AMONG THE EGYPTIAN BEDOUIN

by

AUSTIN KENNETT

SOMETIME ADMINISTRATIVE OFFICER
IN THE LIBYAN DESERT
AND IN SINAI

CAMBRIDGE
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THIS BOOK IS DEDICATED TO

MY WIFE

WHO HAS SHARED MY EXPERIENCES WITH,
AND APPRECIATION OF,
THE DESERT BEDOUIN

PREFACE

My first real introduction to the Bedouin proper was at a Bedouin "Ourfi" Court, now some years ago. I can still see the picture vividly—the brilliant colour scheme, the picturesque group of sheikhs seated in a semi-circle, gesticulating, smiling, frowning, shouting or silent, as the different cases came up for hearing. The litigants themselves, some poor, some obviously wealthy, with their various plaints, made interesting character studies; while the assessors of the Court, with their own inimitable way of dealing with the litigants, were equally fascinating. As I sat watching and listening, it occurred to me that here in these Bedouin Courts, in this kaleidoscopic picture of joys and sorrows, hopes and ambitions, simplicity and cunning, probably more than under any other conditions, were reproduced the real character of the tent-dweller, and his mentality towards life and his fellow men.

First an old man came in, having travelled six days from some remote spot to take over another instalment of blood-money belonging to a murder case of ten years' standing; then a dear old lady, nearly blind and quite toothless, came in with a voluble (if pathetic) story of how a stray camel belonging to a neighbour had trodden heavily on the beautiful tin bath in which she washed the clothes and made the bread, and had bent it, and cracked it so that it leaked. What were the Court going to do about it? The sheikhs listened patiently to the sad story; then one of them questioned her. "Tell me, oh my mother, is it not true that thou art old?" The old lady replied with pride that she was over a hundred years old. "And is it not true that thou wast once very beautiful?" This was also readily assented to, with accompanying explanations and reminiscences. "Was not this bath a very good one?" The old lady assented dubiously, not quite following which way

the argument was turning. "But just before it was broken, was it not, like thyself, just a little old?" The story was eventually arrived at, each point being extracted from her with difficulty. It appeared that her son had "won" this bath years before from an Italian officer's servant during the Tripoli war, and that it had been her most cherished possession ever since, but that it was on its last legs when the camel subjected it to such very rude treatment.

The sheikhs then asked the owner of the camel if he had seen the bath, and at what he estimated its value, which was finally assessed at one shilling, and paid for in Court. The old lady accepted the payment solemnly, began to recapitulate the story of the bath all over again until she was gently but firmly suppressed, and, as she turned to leave the Court, an almost imperceptible flicker of one eyelid to the sheikhs proclaimed the fact that she felt that she had not done too badly.

The next case was brought by a man called Himeida against another Arab called Farag. Himeida stated that he had lost a she-donkey about two and a half years before, and after looking for it and making all sorts of enquiries, at last found both the donkey and her foal in the possession of Farag. He called upon Farag as defendant to account for his possession of the animals and Farag was able to prove, not only that he had bought both foal and mare in the open market in all good faith, but also that he had no means of knowing that the mare was stolen. Himeida succeeded in establishing his original ownership, and the case was peacefully settled by Himeida taking the mare and Farag the foal.

An attractive looking young woman, Aziza by name, then came into Court covered in Bedouin jewelry, and followed by a man. She affected to be painfully shy and self-conscious, in the intervals of ogling the Court generally, and myself in particular. She began to tell how she had been passing the tent of the defendant Korayem, when Korayem's dog rushed out and flew at her. At the memory

of what had happened she became very excited, and brushing aside her veil forgot all her previous shyness, expostulating and gesticulating wildly, while her voice rose into a shriek. She went on to explain that she had tried to throw stones at it, but that the dog had rushed at her savagely, bitten her, and torn her clothes.

The Court asked if she had any wounds to shew, or other evidence to corroborate her story: and in the most natural way in the world, the good lady pulled up her skirt and displayed a shapely knee, which she affirmed had been bitten, and also produced an old dress claimed to have been torn by the dog. A fatherly old sheikh examined the alleged wound and announced that he could see nothing.

Korayem in his defence narrated that he had a very useful watch-dog, which would not let anybody come within one hundred yards of his tent, and when Aziza, instead of giving him a wide berth, passed quite close to the tent, naturally the dog rushed at her. The sheikhs decided that after all the dog had done nothing amiss in rushing at her—was not that his purpose in life?—but that as Aziza's dress appeared to be rather the worse for wear, they would give her the benefit of the doubt, and award her five shillings for the damaged garment.

And so the cases went on: until one of the sheikhs announced forcibly and unmistakeably that he was very hungry and thought it was quite time to adjourn for lunch. So the meeting was adjourned, to continue after an hour or so.

As I left the Court, I could not help thinking what a difference there was between the Bedou in the flesh, the Bedou as regarded by many Anglo-Egyptians, and the Bedou of the six-shilling novel. The attitude of the Westerner is apt to lie in one of two very different directions. Either he condemns the Bedou utterly as an absolutely useless encumbrance upon the face of the earth, or he invests the man himself and everything connected with him with a halo of sickly sentimentality and mystery. The

former estimation will usually be found among Europeans who have lived within the narrow limits of a town like Cairo, who know little or nothing of the nomad Arab or his mode of life, and who have never been far enough away from the artificial atmosphere of the town to appreciate his mentality, even if they understand his language, which is by no means invariably the case. The other attitude is born of modern fiction, and nourished by the "best sellers."

Neither of these extreme views seems to me to be fair or just to the Arab, who is a very human person, with human failings and a great many human virtues of his own. In the following chapters I have tried, by quoting lawsuits of all kinds, and explaining the means employed to dispose of them, to shew first the conditions under which the Bedouin live, and secondly their mentality and point of view. Although the reader may possibly gather from the pages that follow that I have a real affection for the Bedou himself and admiration for most of his laws and customs, I have tried to represent his character in full, with all his faults and failings. Descriptions of particular cases have been purposely introduced, shewing unmistakeably that Bedouin Law is no more infallible than any other law, and that in some cases justice is not done. But in the aggregate, it will be found that the Bedou with all his faults is a very lovable person, and his code of laws and customs is remarkable for its practical common sense.

Egypt has assumed the reins of office of her own kingdom, and in future presumably will control her own deserts and desert-dwellers. If this prove to be the case, the assistance of British administrators will no longer be required, and the opportunity of really knowing the Bedouin personally will be the privilege of the very few.

It is this thought that has prompted me, after more than seven years in the various deserts of Egypt and Sinai, to paint a word-picture of the people of whom I have such happy

memories. I have studiously avoided politics in any shape or form with relation to the Bedouin, and have merely tried to shew what they have been in the past, and what they are to-day, as far as possible irrespective of any Government control or external influences.

If this volume, which makes no pretence of being an exhaustive treatise on this wide subject, is successful in correcting or modifying any erroneous impressions which may have existed about these very interesting peoples, I shall feel that it has not been written in vain.

My grateful acknowledgements are due to my friends Mr C. Dalrymple Belgrave, Captain W. T. Bichan, and Mr C. B. Williams, for permission to publish their very interesting photographs.

A. K.

El Arish, Sinai
1925

CONTENTS

ILLUSTRATIONS

CHAPTER I

HISTORICAL NOTE

When is an Arab not an Arab?—Sinai and Western Desert —Semites—Kahtan and Ishmaelite—pushing Northwards— Mohamed's Legal Organisation—The Arab Invasion—Allies —Plural Marriages, Licentious or Diplomatic?—Israelites— Kadesh—The Written Law of Israel—The Unwritten Bedouin Code.

THE WESTERN BEDOUIN

Coastal Zone and Oases—Berbers—Matriarchy—Invasions over North Africa—The Berber Queen—Gypsies and Merchants.

HISTORICAL NOTE

THE word "Bedou," plural Bedouin, is derived from an old classical Arabic word meaning "original," hence the basic meaning of the term is "original" or "aboriginal." The term is however used, like the word "Arab," to describe any nomadic desert-dwellers, in contradistinction to the settled Fellaheen of the cultivated Nile Valley. Most of the Bedouin proudly describe themselves as Arabs, and although many Bedouin tribes rightly claim Arabian ancestry, some are undoubtedly of the aboriginal blood that their name implies.

The Bedouin referred to in subsequent chapters form two very distinct groups, and although other groups and types of Bedouin do exist in Egypt, it is proposed here to deal exclusively with what may be called the "Sinai Arabs" and the "Western Bedouin."

Other Bedouin in Egypt between the Nile and the Red Sea, and the numerous Arab tribes (such as the Ababdeh) in Upper Egypt, will not be dealt with individually; but the main points of their laws and customs will be found to be very similar to one or the other of the above headings.

It is proposed therefore to glance briefly at the history of these peoples, so that the influence of history may be traced in the laws, customs, and manners of the present-day Bedouin in the Egyptian deserts.

Broadly speaking, the Sinai Arabs are of real and genuine Arabian stock, while the Western Bedouin are mostly a mixed race, with a large admixture of Semitic, Berber, and other blood in their veins.

Who then are these Sinai Arabs? The first type to be considered is the Semitic. The original home of the Semites was the Arabian Peninsula, and the ancient classical Arabic is the nearest to the primitive speech of the Semites. The original Semites were undoubtedly nomadic Bedouin of great antiquity.

The Northern Semites migrated north-east and north-west, and ultimately became Babylonians, Assyrians, Aramaeans, Canaanites, and Hebrews.

The Southern Semites were the Ishmaelites of Biblical days, and are the founders of most of the present-day Arabs.

The Semitic type is very persistent and easily recognisable—well-chiselled features, usually a thin nose and high cheekbones—and must not be confused with what is often erroneously referred to as the "Semitic type." The coarse features, thick nose and heavy jowl of the Ghetto Jew are Hittite and not Semitic characteristics, and the recently discovered Early Hittite inscriptions and carvings represent these coarse features exactly.

To go back to earliest times; many of the Arabs claim to be descended from Abraham, who lived, according to modern critics, somewhere between 1700 B.C. and 2200 B.C. The date of Abraham is a very controversial point, but for the ordinary reader this rather wide choice of dates will be quite accurate enough.

The Arabian tribes are divided into Kahtan tribes and Ishmaelite tribes. Taking for example a tribe like the Beni Hillal, from whom numerous other tribes claim to have

sprung, there are only four genealogical links in the chain between the Beni Hillal and Ishmael.

Tides of emigration have almost invariably pushed from the East westwards, and although this is true to a certain extent of Arabia, yet there was always another tendency to push up northwards towards the more fertile lands of Sinai, Palestine and Syria.

The Arabian Bedouin were thus being continually pushed northwards by successive waves of emigration behind them, until they reached the limit of the open desert. Here they found their pasturages being occupied by other emigrants who had come up behind them, and were obliged to look for new ways of livelihood. Some of them wandered off westwards, others penetrated north into Syria and Asia Minor, and others took to husbandry. However, their innate dread of military service, and their hate of the tax-collector or any other form of interference with the liberty of the individual subject, always tended to render the process of transition from tent-dwelling to house-dwelling a slow one.

Very little is known of the pre-Islamic history of these Arabian Semites, and for all practical purposes we are compelled to begin Arabian history at the seventh century A.D.

The Koran contains much folk-lore of ancient Arabia, and gives many indications of the traditions handed down from father to son. These were carefully collected and edited by later Arab historians, and have still later been corroborated by inscriptions found near Aden.

During the ten years that the Prophet Mohamed presided over the Commonwealth of Islam he considerably reorganised the administrative and legal system prevalent in Arabia. Tribal sheikhs were invested officially with powers as magistrates, and were made responsible for public health and security, in addition to their tribal or inter-tribal matters.

Among the ancient Arabs the chieftaincy of a tribe was elective rather than hereditary, and all the members of the

tribe had a voice in the election of their chief. The candidates for election were however usually confined to surviving male members of the deceased chieftain's family. On the death of the Prophet Mohamed, Abu Bukr was elected in this way to the Caliphate, in preference to Ali.

The Arab Invasion, which began in A.D. 632, spread over the whole of Egypt as far south as the borders of Abyssinia, and shortly afterwards the Arab conquest had spread like a tidal wave over the Western Desert of Egypt to Libya, reaching a year or two later as far as Barca.

An important point to notice is the adoption by the Arabs at this time of "allies" or "honorary members" of their tribes. In this way throughout the conquered countries, Persians, Turks and Greeks who adopted Islam were absorbed into the Arab families or clans, with a resultant increase in the fighting strength of the former, and a gain of prestige to the latter. To what extent foreign blood was represented in this way in the Arab conquest over Egypt it is impossible to say, but it is quite conceivable that traces of it still remain among the Bedouin tribes.

It is interesting to note the freedom among Arab women in these early Islamic times, as the system of seclusion did not come into vogue until long afterwards. Among the Republican Moslems, women moved freely in public, and attended the sermons of the Caliphs, and public lectures. The pre-Islamic Arabs resembled the ancient Hebrews, and were accustomed to marry many wives. This practice was the natural consequence of the decimation of men in the tribal wars, and provided homes for the widows of relatives killed, without throwing them on the mercy of the tribe as a whole.

Although a great many bitter things are said by Christians on the subject of the plurality of wives of the Prophet Mohamed himself, there can be no doubt that at any rate two of his reasons for marrying several wives were to unite hostile tribes by a form of political marriage (very similar to some of the royal marriages in Europe at

COMING UP FROM AKABA

the present time) and to provide a means of subsistence to helpless women.

As mentioned above, the Northern Semites, being gradually pushed northwards, eventually became Babylonians, Canaanites, Hebrews and so on. Of these races, the Hebrews are of greater interest than the others to the student of Arab law in Sinai.

The fact is not always appreciated that the "Children of Israel" who were in bondage in Egypt under Pharaoh, and who eventually fled from their persecutors under Moses, were Bedouin pure and simple. They are often regarded as "Jews," implying something like the modern English Jew. But it is certain that they were undoubtedly Bedouin; and as desert Bedouin exist to-day all over Sinai, and particularly "in the Wilderness of Kadesh" it is more than probable that some, at all events, of the laws and customs of the "Children of Israel" have been preserved among the modern Sinai Bedouin.

Naturally, with the increase of civilisation, and the influence of external thought and contact, certain changes have been inevitable. But the desert itself is as it was thousands of years ago, and the present-day desert-dweller has changed but little through the passage of the centuries. He still lives in his tent made of wool, goat- and camel-hair, and still grazes his sheep and goats in the same way and in the same places as his forebears.

Most of his customs are certainly of great antiquity, and it is interesting to note the points of resemblance between the Mosaic Law of the Pentateuch and Arab Law of to-day.

It is proposed therefore, to recapitulate as briefly as possible the history of the ancient Israelites which modern research has given us, without entering the arena of Higher Critical controversies. Without going into the arguments as to exact dates, it is certain that a section of the Hebrew group of Bedouin left Southern Palestine for the Goshen pastures about fifteen centuries before the Christian

era, and grazed their flocks in the Goshen district. Although settled in Goshen, which was the territory of the King of Egypt, they retained their language, patriarchal institutions, and habits as nomads.

Incidentally, Goshen was not "the best part of the land of Egypt," but it was good sheep-grazing for nomadic tribes, and enjoyed a better rainfall than these nomadic shepherds had been used to.

Their Egyptian authorities then gradually exacted from them forced labour for public works in Goshen, which considerably vexed these children of the desert, who hated and resented any interference with their liberty.

Moses found it very difficult to control this unorganised conglomeration of homogeneous elements, or efforts to escape might have been made before. At last, after they had waited for their opportunity for some time, Egypt suffered from one of its periodical plagues, during which they packed up and disappeared. Their actual flight was by no means a serious affair for these nomadic shepherds, who were used to packing up their Lares and Penates, and moving off at short notice with their families and their animals in search of better grazing.

After their flight from Goshen, they eventually reorganised, and made their permanent headquarters at Kadesh, or Ain Kadeis as it is called to-day. This is situated practically on the Egyptian and Palestine frontier, sixty miles due south from Gaza, and forty-five miles S.S.W. of Beersheba.

Some Old Testament critics maintain that Kadesh was their objective when leaving Goshen, and that it was also the scene of the striking of the Rock, the fight against the Amalekites, and the visit of Jethro. They further maintain that Kadesh, Meribah, and Massah are identical—Massah meaning "judgment" and Meribah "trial place."

Thus it is thought that Kadesh was the permanent seat of government and justice of the early Israelite Bedouin, who grazed their flocks over an enormous area all round.

Their stay in the Kadesh district is estimated to have been for forty years, until the Moabites, having already lost the northern half of their territory to the conquering Amorites, and having the southern part seriously threatened by the army of King Sihon, elicited their support.

The Israelites, who had probably tried before to push up from the desert land of Sinai to the heavier rainfall of Southern Palestine with its wonderful grazing, promised to assist, and moved up northwards to assist the Moabites. Once having established themselves there, the Israelites formed the wanting link in the chain of petty Hebrew nationalities in S.E. Palestine.

It must not be supposed, however, that the army who assisted the Moabites against Sihon, King of the Amorites, was composed exclusively of men, or the descendants of men, who had crossed the Red Sea under Moses. The tribe of Israel was in process of growth, and was continually receiving and assimilating kindred elements during its desert sojourn.

Once settled in the more fertile part of Southern Palestine, the transition from a nomadic to an agricultural existence followed as a matter of course. Hence arose the settled Hebrew population as we know them to-day; while the nomadic peoples, unable to get a footing in the fertile districts, have remained nomadic until the present time.

As regards the Law of these Hebrews, it is maintained that the code of laws, which is now contained in Deuteronomy, and which is referred to in 2 Kings xxii, xxiii as "The Book of the Law," was found and published "in the eighteenth year of King Josiah," and may be dated somewhere between 621 and 550 B.C.

Later, Ezra, the Babylonian scribe, came from Babylon to Jerusalem in 458 B.C. (the seventh year of Artaxerxes Longimanus), at the head of a considerable company of zealous Jews, and provided with a mandate from the Persian King to empower him to reform the Law (Ezra vii, 12–16).

In 445 B.C. Nehemiah appeared as Persian Governor in Judea, and assisted Ezra; and in 444 B.C. the newly-revised Law was read out to the people. Thus Deuteronomy represents the first stage of a written legislation, and the "Priestly Code" (as it is called) in 444 B.C. the second or revised stage.

Whereas, among the Hebrews at their transition from nomadic tribesmen to settled cultivators "every man under his vine and under his fig tree," the Law was thus codified, written and subsequently revised, Bedouin Law has remained to this day entirely unwritten and dependent for its very existence upon verbal instruction handed down from father to son.

THE WESTERN BEDOUIN

The Western or Libyan Desert, from the outskirts of Alexandria westwards to the much discussed Egyptian-Tripoli Frontier at Sollum, is peopled by a more mixed race than is found in Sinai.

This desert is divided—for purposes of cultivation and population—into what may be called the Coastal Zone and the Oases. The former represents a broad belt of winter-rainfall cultivation, roughly speaking forty miles deep from north to south all along the coast, in which large patches of barley are cultivated on the very unreliable rainfall. South of this zone the rainfall is negligible, and though in exceptional years a few patches of cultivation and quantities of animals grazing will be found there, as a general rule the average four inches of rain becomes proportionately less as one goes inland from the coast.

The principal oases consist of Siwa (the Oasis of Jupiter Ammon), Baharia, Farafra, Dakhla, Kharga, and the Wadi Natrun not far from Cairo.

Each of these oases has a population peculiarly its own, and although the Oasians are invariably interesting from the anthropological and ethnological standpoint, they are not nomadic, and do not retain Bedouin Law. They must

therefore be considered as outside the scope of the present work.

The Bedouin population, living in the Coastal zone, and trading with the oases, is peculiarly interesting. There are many different types represented—the purely Semitic type of a rich bronze colour, the paler yellow type of the Berber with his flat features, the snub-nosed Negro type from the Sudan, and so on.

This Western Desert—the caravan highway from Palestine, Mecca, and the East to Tripoli, Tunis, Algiers, and Morocco—has been crossed for hundreds of years by peoples of all races, and it is only to be expected that many of these strangers should have left their mark, both on the physical characteristics of the present population, and also on their laws and customs.

After the Semitic Bedouin seen above, the most important type is the Berber, about whom unfortunately very little is known. The Berbers are classified anthropologically as belonging to the Northern Hamitic stock, which includes the

Mediterranean Berbers of Algeria, Tunis, and Tripoli;
Atlantic Berbers of Morocco (Shelloohs and others);
West Saharan Berbers called Tuaregs;
Tibus of East Sahara;
Fulahs among Sudanese Negroes;
Guanches of the Canary Islands.

All the above families of the great Berber tribe are broadly speaking of fair complexion, curly hair, and are purely agriculturists. They are supposed to have been the aborigines of North Africa, at the time when the Sahara was a well-watered habitable region with enormous forests. During the Pliocene and post-Pliocene epochs when "land-bridges" joined North Africa, Europe and West Asia at places like Gibraltar and elsewhere, enormous migrations of Pliocene man and large African fauna are believed to have taken place. This interchange of population between Europe and Africa is almost certain; and furthermore

anthropological measurements confirm the theory of relationship between the Basques, Iberians, the fair Berbers of Mauretania, the population of Siwa Oasis, and the Lybian Aborigines as depicted on Egyptian monuments of the fourteenth and fifteenth centuries B.C. The present-day Berber dialects now found in Morocco, Algeria, Sahara, and Siwa are all traceable to a common ancestor.

Apart from anthropological measurements and similarity of dialect, there are many other similarities between the Berber characteristics and those of the pre-Aryan Europeans. The most striking of these is the peculiar social position of women, practically constituting matriarchy in both cases. From what is known of the life of the aboriginal Europeans, we gather that it was round the mother, and not the father, that the home group was built up. The first harvests were such herbs as the mother had time to cultivate and attend to round the cave-mouth, in the intervals of her other duties, while her lord was out in the wilderness hunting his prey.

Among the Berbers woman holds a very high position, which contrasts strangely with that of her present-day Moslem sister. In parts of Morocco a woman has plenipotentiary powers to act in the absence of her husband, and it is among the women that the occult powers and unwritten tribal tradition will be found.

In many Berber dialects the sun is feminine, and the moon is her child; it is also stated that in the pre-Islamic religion of the Berbers, the Creator was a woman, representing the Universal Mother.

The actual origin of these Berbers is unfortunately shrouded in obscurity, and cannot be fixed with any degree of certainty. It is certain however that their civilisation was of a very rudimentary order, and that they were buffeted like flotsam and jetsam on the waves of invasion flung over Northern Africa from the East.

First came the Sidonian Phoenicians, founders of Car-

thage and Utica, who settled in North Africa about 1500 B.C.

Then came the Greek occupation of Cyrenaica about 628 B.C. followed by the Roman occupation shortly afterwards. Then later, in the seventh century A.D. the great Arab Invasion spread over North Africa, carrying all before it. Just as the early Britons were driven before the Saxon invasion and were forced to take refuge in the mountains of Wales and Cumberland, while the conquering Saxons took possession of the fertile plains, so were the Berbers driven by the Arab Invasion into the wastes and hills of the Sahara.

In A.D. 698 when the Saracen army was operating near Carthage the Berbers were ruled over by a woman, called by the Arab historians the "Kahina" or "Divineress." This woman is reputed to have possessed all sorts of supernatural accomplishments, and at her bidding the hordes of Berbers fell upon the Saracen army and decimated it.

The Berbers won the day, and the Kahina ruled for five years queen over Africa. After their previous defeats, and as a measure of defence against further onslaught by the Saracen army, the queen formed the desperate resolution of turning the country into a desert. Houses and villages were pulled down, valuables destroyed, groves and gardens cut down, and wells filled in; and the once prosperous country became a howling wilderness.

However, in spite of these measures, the Saracens again overcame the Berbers, and the queen herself was slain. The Berbers were forced to pay a tribute in the form of a military contingent, and the religion of Islam began to spread among them.

Although for a short period at one time the Berbers had assumed the cloak of Christianity and later were professedly Moslems, yet the pre-Islamic and pre-Christian beliefs were still held, and can still be traced among their descendants, just as many of our English country rites and much of our folk lore are but thinly veiled relics of paganism.

In addition to regular invasions of North Africa by Phoenicians, Greeks, Romans, and Arabs, the geographical position of North Africa has contributed to the mixing of its present population. At the present day the nomadic "Sunna" (plural of *Sani'* = a smith), whose origin is problematical, wander all over the Near East plying their trade of blacksmiths and coppersmiths. Besides these, there are the "Nawar" or gypsies, who wander (apparently aimlessly) from Afghanistan or Persia to Morocco. In modern times, the North African coast has witnessed the arrival of French, Italian, Greek, Cretan, Cyprian, and Maltese traders.

Each of the above has, in some form or another, left his mark on the Bedouin tribes, and his influence on the character and mentality of the desert peoples.

CHAPTER II

TRIBAL ORGANISATION & APPLICATION

Magistrates—Composition of a Tribe—The Red Ali—The Family grows—The Influence of Locality—Separation from the Parent Stock—Haweitat, Civilised and Primitive—Sharing the Payments—Documents.

APPLICATION OF TRIBALISM

Highway Robbery—Tribal Responsibility—The Suwarka Tribe—The Pig-headed Debtor—Terrorism—Prison for the Relatives—Subsequent Cordiality—Black Sheep—Total and Partial Ostracism.

TRIBAL ORGANISATION

It may be taken as an axiom that tribal custom and law presuppose the existence of a very definite—if elastic—organisation of tribes, sub-tribes, groups or families, each unit having its own head, who acts automatically as magistrate, peacemaker, or juryman. In addition to these heads or sheikhs there will invariably be found other old men, who are recognised owing to their age, experience, or wisdom as assistant magistrates, or who may be called upon to give evidence on oath as to precedent or procedure adopted in similar known cases years ago.

A "tribe" may represent anything from twenty to twenty thousand men, since some very old tribes have multiplied enormously, while other tribes have practically died out. To take an extreme hypothetical case for an example: it can be understood that if a man has seventeen sons, of whom sixteen have twenty children each, and the seventeenth leaves only a boy and two girls, then in the next generation the last family may consist of ten all told, while their cousins' numerical strength runs into hundreds.

The descendants of the original sixteen sons may indeed be so numerous, that instead of taking the patronymic of their original grandfather, each of the sixteen sons will begin a sub-tribe of a different name. After three or four more generations the descendants of the original prolific sixteen may have again subdivided into groups under different names, while quite possibly the small family might be only represented by two men, keeping the name of the original seventeenth son. Hence the division and subdivision of the tribes for purposes of convenience has taken place at all sorts of different dates.

To take an easy example from the Aulad Ali in the Western Desert, the founder of the tribe is said to be Ali ben Agar ben Dib, who left three sons, Ali el Ahmar (the Red Ali), Ali el Abiad (the White Ali) and Sinena. The sub-tribe of Ali el Ahmar is subdivided into three main divisions, which have long ago become fresh tribes, and which must be regarded as such. These are:

GINAISHAT ESHEBAT KIMEILAT.

Each of these is again subdivided, but one only will serve as an illustration. The Ginaishat tribe is divided into three main groups: Madi, Samayel, and Gabr. The Gabr group (for example) is divided into the following families:

1. Shabbati. 2. Serareek. 3. Mereimi. 4. Argi.
5. Mawi. 6. Neghameesh. 7. Ebairi. 8. Bazghola.

At the present moment the Mereimi family consists of nearly one hundred males, the original man of that name, now dead some hundred years, being the great-grandfather of the present middle-aged men of the family. The Mawi family is nearly as numerous.

Some hundred years ago then, Mawi Gabr and Mereimi Gabr were both sons of Gabr el Ginaishi, and as long as the six sons of Gabr all settled near the family tents, and brought up their families together, the whole position remained perfectly clear and easy. But desert grazing and

desert cultivation will only support a limited number of human beings and animals; so that some at all events of the family as it increases are forced to seek for fresh pastures.

So here again locality plays an important part. One tribe, although divided into five definite groups, may be all living together in one particular district. In this case each one of the tribe will know his neighbour, and in all probability any one of the five sub-sheikhs would be competent to answer for any man in any of the five groups. In another tribe of five groups, one group may have trekked off to the Tripoli coast two generations ago, and another settled on the desert fringe of the Fayoum, while the remaining three groups are living in close proximity at Matruh.

In this latter case the two separated groups are bound to be more or less self-independent, and their sheikhs at once lose touch to a certain extent with the main tribe. To begin with, every effort is made to maintain the old tribal system, and law cases are referred to the Omda or sheikh of the whole tribe. Agreement is also made that all the five groups are jointly responsible for paying their share not only of bloodmoney incurred by any one of the tribe, but also of any other tribal expenses.

Gradually the distance between the main tribe and the separated group makes this arrangement more and more difficult, and eventually a fresh agreement may be made, providing that bloodmoney only shall be paid by all the tribe, but that if one of the three groups belonging to the main body incurs minor expenses (damage to persons or property, stolen camels, etc.) these three shall settle their own account. Similarly if one of the separated groups incur similar minor expenses, that group alone will settle its own account without reference to the main body.

This latter agreement may work quite well for a long time; but in some cases it may be found that distance and inaccessibility make any cohesion between the separated group and the main body scarcely feasible. Hence cases

could be quoted where such isolated groups are legally separate from the tribe, and entirely independent. It is for reasons such as those quoted above that so many tribes have split off from their original stock, and have to all intents and purposes started again as the nucleus of a new tribe.

The Haweitat tribe provides a concrete example. The Haweitat claim to be "Ashraf"—i.e. Descendants of the Prophet, tracing their ancestry through Fatma, daughter of Mohamed, although in all probability their origin is of a much earlier date. It is practically certain that the Haweitat were originally only one tribe; but at the present day we find four very distinct sub-tribes. One of these, remaining more or less in its original locality in N.W. Hedjaz, has maintained as far as possible its original characteristics, organisation and customs, and still enjoys the reputation for bold fighting and insubordination for which it has been famous.

The second sub-tribe of Haweitat, situated from Suez south to Mount Sinai in the Peninsula, shews the effect of a certain amount of contact with civilisation; and although they are reputed treacherous and noted thieves, they are considerably more tractable and less wild than their cousins across the Gulf of Akaba.

The third sub-tribe is found in small numbers as nomads in the desert north-east of Cairo, where although of necessity shewing signs of still closer contact with civilisation, they still retain their nomadic instincts, and with them their Bedouin Law.

The fourth sub-tribe has chosen the easier path, and is settled as cultivators near Tanta, to all intents and purposes as Fellaheen. These three latter sub-tribes recognise certain claims of kinship with the rest of the tribe at Akaba and Maan, and in all probability would receive and shelter a fugitive escaped from justice from the Hedjaz. Otherwise the common link binding them together exists only in theory, and would probably be not sufficiently

strong to prevent them from robbing or plundering each other.

In the application of Bedouin Law to the settlement of disputes among the Aulad Ali in the Western Desert, one of the chief difficulties lies in establishing the fact that one family is, or is not, in the habit of sharing financial responsibility with another family. Thus until comparatively recently the Mawi family and the Mereimi family of the Gabr group used to share responsibilities—both paying and receiving bloodmoney for a member of either of the two families. Then for no apparent reason—unless it was because the families were big and wealthy—they decided some years ago to be independent, and drew up and signed an agreement to that effect.

If one family is due to receive a sum of money, particularly if the sum is a substantial one of bloodmoney, it is only human nature that another family should claim to share equally, but if the position is reversed, and the first family are required to pay (instead of receiving) this sum, the second family is frequently loud in its protestations that no such share of responsibility rests on their own particular family. In this latter case the first family may produce a document twenty-five years old, and signed by the sheikhs, notables, and elders of both families, to the effect that responsibility both for paying and receiving bloodmoney is equally shared between them. The court with its assessors, having carefully examined this document, may be just on the point of adjudicating the sum to be paid by both families equally, when the second family suddenly produces its trump card in the shape of another document. This document purports to be a declaration signed by representatives of both families to the effect that henceforth each family will be independent, and will in future receive or pay any sums by itself, without sharing either profit or loss with any other family. At this juncture the first point to be established is obviously the date of the second document, and secondly the relative value of its signatories.

To an English reader the word "document" may possibly create a false impression, as he will probably visualise a beautifully clean piece of parchment, tied up with red tape by a firm of solicitors, and beginning with the word "Whereas" The Bedouin documents are apt to fall short of this standard, and usually consist of a very dirty, crumpled, greasy piece of common paper, folded and re-folded, much thumb-marked, habitually kept with other valuables (such as receipts for camels sold or barley bought) in a leather bag strapped over one shoulder, frequently worn next the skin for greater security, and soaked with perspiration.

It will be understood that the problems attendant on such documents may be many and varied, and the means taken to elucidate their mysteries and to establish their genuineness or otherwise will be shewn later.

APPLICATION OF TRIBALISM TO THE MAINTENANCE OF PUBLIC SECURITY

Cases occasionally occur where one individual Bedou begins highway robbery on a main caravan route, making enormous profits by waylaying passers by, sometimes merely relieving them of their camels and properties and sometimes killing when resistance is offered. In these cases, according to English standards, the robber himself is alone responsible, and any police action would be directed against the man alone.

But in the deserts it is simplicity itself to hide and evade capture in the vast rolling plains and valleys, and unless an enormous force, strongly backed by spies and secret service agents, were sent out systematically to comb out the countryside and bring news of the wanted man's where-abouts, he could continue to practise his profession as a robber with impunity. These measures would be very costly, very unwieldy, and by no means invariably successful, and so the existing machinery of the Bedou himself (here called Tribalism) is employed. The affair becomes

THE MID-DAY HALT—N. SINAI

A FAMILY IN CENTRAL SINAI

automatically an action or actions done by one of the tribe —quite irrespective of whether the tribe as a whole or its individual members approve of the action done by the robber.

The procedure is then as follows. The Omda or sheikh of the tribe, with his sub-sheikhs or heads of families, is called up. The situation is explained to them and all the misdeeds of the culprit are narrated in full, and the responsibility for his arrest is then delegated to them and acknowledged by signing or sealing a document to that effect, after which the tribe are given so many days in which to produce the culprit. From this point onward, the sheikhs are responsible for his arrest and secondly for the prevention of further raids in the future, and in most ordinary cases the culprit is speedily produced by the tribe, and duly dealt with.

One of the Suwarka Arabs in Sinai in 1923 provides an example of a tribe's failure for various reasons to produce their man. The Suwarka are a big tribe living along the coast near the boundary between Sinai and Palestine, and are divided into six main families, with a total of some four thousand souls. One of the smaller families is called the Aradat, to which belonged a man called Mohamed Salem. This Arab was an unusually pig-headed individual, and, wishing to raise some ready money, mortgaged a piece of his land. In the document drawn up and signed by both parties it was stipulated that if the money advanced were not paid back in full after six months, then the land should *ipso facto* become the property of the moneylender. The stated period passed, and the lender foreclosed on the land and won a lawsuit claiming the land on the strength of the signed document, this case coming under the Egyptian Civil Code, as the moneylender was a town-dweller.

Mohamed Salem affected to be pained and surprised. He admitted that he had signed the document, but claimed that he never imagined that the lender would not wait for a year at least before putting the agreement into practice. Several unsuccessful appeals against this judgment were

made by Mohamed Salem, and finally, giving out that he had been very hardly dealt with, he began to lie in wait near the Palestine frontier, and to waylay and rob all camels belonging to the family of the moneylender. Public security in the Aradat territory rapidly fell to zero, and cultivators were frightened of taking their camels out to plough when the first rain of the season fell, for fear that Mohamed Salem would steal them.

The Omda and sheikhs of the Suwarka were told to arrest Mohamed Salem and bring him for trial; but they always returned empty-handed, stating that the culprit had fled across the frontier on the news of their approach. The pay from the Government of these sheikhs was then stopped indefinitely until the man should be produced and brought in. The police made several unsuccessful attempts to round him up, and eventually after numerous raids spreading over several months the matter was seriously taken in hand.

The first step was to bring in and imprison the sheikh of the whole tribe, the sheikh of the Aradat family, and some forty other notables from the immediate family of the wanted man. On their admission to confinement—on a diet of prison bread, dates and water—it was made perfectly clear to them that they would remain in prison indefinitely until either Mohamed Salem was produced by the Suwarka Arabs still at liberty, or compensation for the stolen camels was paid by the tribe. Many excuses were put forward, and many attempts to get out of prison on the plea of searching for Mohamed Salem were made, and after batches of four men at a time on several occasions had been allowed out of prison for this purpose under special guarantees, and had returned empty-handed to join their comrades, the position assumed the appearance of a stalemate.

It took the Suwarka fifty-three days of prison fare, before they consented to acknowledge tribal responsibility for the misdoings of one of their number, and at last they agreed to pay the full damages in three instalments, and

were released on the payment of the first instalment and on signing a guarantee to pay the two remaining instalments at specified times. Incidentally (although not germane to the story), after being imprisoned for fifty-three days by the writer, the sheikhs and notables, so far from bearing any ill-will to the authority responsible for this episode, have been most friendly and cordial ever since.

It sometimes happens that a self-respecting tribe has endless trouble with a black sheep among the fold. This man may be continually stealing camels or sheep, and when he himself is unable to pay the damages assessed, his family is called upon to contribute. They may do this uncomplainingly two or three times; but if his depredations become a habit, the family are at last driven publicly to disclaim any further responsibility, just as some husbands are driven to disclaim debts incurred by their wives. When the tribal "black sheep" indulges in murder, the whole tribe (or at any rate the offender's family) may be affected financially, as will be seen later. So after this has occurred once or twice, he may be given a document to the effect that the tribe repudiate all further responsibility on his behalf and refuse absolutely to contribute to any debts incurred by him, whether by theft, assault, or murder. This document further provides that the culprit forfeits forthwith all tribal advantages of inherited tribal land, or rights in tribal wells or cisterns, and becomes from the date of the document a tribal and social outcast. These extreme measures are only resorted to in extreme cases; but less aggravated circumstances are provided for in varying degrees by the forfeiture of one or more of these tribal advantages. Thus a noted thief may be warned that his tribe refuse to recognise any further liability in cases of theft, whereas no mention is made of murder, thereby implying that he is only ostracised as far as his particular failing is concerned, and that if anything serious such as murder were to occur, he would again receive the support of his tribe in the usual way.

CHAPTER III

SOCIAL DISTINCTIONS & THE TRIBAL IDEA

Genealogy—Aristocracy—*Nouveau riche*—The Curse on the Hitteim—The Smelly Witness—Saadi and Merabit—Senussi and Medani Zawias—Holy Men and Fighting Shepherds—Protection and Tribute—Independent Merabiteen.

THE TRIBAL IDEA

Personal and Tribal Outlook—Maintenance of Fighting Strength—Substantial Increase unlikely—Why?—Fleas and the Baby—Survival of the Fittest—Disease and Superstitions—More Comfort: More Babies.

SOCIAL DISTINCTIONS

In our modern socialistic days we are apt to underestimate the value to the Bedou of his own tribal genealogy, and of the genealogical expert versed in the past history and genealogy of his tribe. But for a people with centuries of desert life behind it, almost entirely illiterate and handing down verbally from father to son instruction in tribal custom and tribal law, it will be understood that the teaching thus handed down becomes an important factor in the formation of the character of the tribe.

The Bedouin have their social distinctions, just as any civilised folk have theirs; however poverty-stricken, a Bedou "county family" maintains its pride of family just like its civilised counterpart in Europe. To all outward appearances a collection of Bedouin may appear to the uninitiated to be very similar, whereas one (quite possibly the poorest and dirtiest-looking of them all) may be a blue-blooded aristocrat of the desert with a pedigree going back to their arch-patriarch Abraham, while another may be quite a *nouveau riche* and not be considered at all in the same

social category as his neighbour, who would scarcely be seen talking to him in public.

In view of the importance of genealogy among the Bedouin themselves, it will be easily seen how essential it is that any one whose work lies among them must know at any rate the rudiments of the past history, genealogy and social position of the Bedouin with whom he comes into contact, and upon this knowledge will depend his treatment of the individual.

Although various tribes vie with one another in their claims to be the oldest, and so on, yet as a rule one tribe will recognise the just claims of another to be "out of the top drawer," and will have no objection to their daughters marrying men of the other tribe. One example of a tribe which is universally considered to be entirely beyond the pale is the Hitteim tribe, of which the Dawaghra in Sinai are supposed to be an offshoot. Tradition has it that, when the Prophet Mohamed and his followers were building the "Kaaba" or Holy of Holies at Mecca, people of all sorts and Arabs of all tribes joined in the work of building, bringing materials with their own hands. The men of the Hitteim tribe were wealthy men at that time, and indulged in every luxury, and when others had worked for some time they had as yet rendered no assistance to the building. When asked to do so, they replied that they were ready to contribute money for the building, but did not intend to dirty their hands or tire themselves out by carrying building materials. Their offer of financial help was curtly refused, and from that date they are credited with being under a curse. For hundreds of years, if one of the Hitteim were travelling, it was a point of honour that no one should come out to meet him; no self-respecting Arab would intermarry or allow any of his tribe to intermarry with the hated and despised outcasts, and popular superstition credits any one of the hated tribe with being possessed of a particular evil smell specially implanted in him by the devil himself. (If all the Hitteim be as strong-smelling as one

particular witness in an Ourfi case from the Dawaghra tribe, whose evidence was taken recently in Sinai, there may be some justification for this superstition.)

Among the Western tribes there exists a very sharp line of demarcation which cannot be ignored. This divides the Saadi tribes from the Merabit tribes, and the history of these two social classes is very interesting. Hundreds of years ago the Merabiteen were essentially the holy men. They learned to read and write the Koran, they prayed religiously, and they automatically grouped themselves about the "Zawias," which were the centres of learning and religion. Hence they gradually drifted into a more or less settled state, living in colonies within easy reach of some zawia.

These zawias were usually built near the tomb of some particular sheikh or Holy Man and consisted of a mosque more or less fully equipped, presided over by a "fikki" or priest, who was in turn supported by lesser officials of the mosque. Later, two main sects more or less non-conformist with Islam controlled these zawias. The most important was the Senussi sect, founded by Sidi Mohamed ben Ali es-Senussi, who was born in 1787 and died and was buried at Jaghboub in the Western Desert in the year 1859. The tenets of this sect were very strict, and represented a Lutheranistic form of Protestant Islam. Smoking was a heinous offence, and offenders were punished by the loss of a hand.

The other sect was the Medani, which was founded by Sheikh Mohamed ibn Hassan ibn Hamza ibn Yehia Zafir el Medani (to give him his full name), more usually called Sheikh Mohamed el Medani. This man was born at Medina in the year 1775 (1194 of the Mohamedan era), and later went westwards to Tripoli, where he founded the Zawiet el Ghirban. The followers of this sect were as "Catholic" as the Senussi were "Protestant" and indulged in all sorts of relics, saints' days, and other ceremonial which was anathema to their Senussi confrères. Sheikh

Mohamed el Medani conducted a vigorous missionary campaign, personally visiting Siwa and founding a colony and zawia there in 1829. He died an old man of nearly seventy in Tripoli in 1844.

These Merabiteen, then, occupied themselves with religious exercises near the zawias and tombs of the saints, while their flocks and herds were grazing miles away in the open desert under the charge of their Saadi shepherds, who were originally the poor paid servants of the Merabiteen. These shepherds living out in the open were not worried very much by religious exercises and fastings, but were much more concerned with frightening away the jackals, or driving off raiding parties attempting to steal their flocks. Hence in process of time the Saadi shepherd became not only a hardened fighting man, but (as the result of raids successfully carried out) often very wealthy.

So when a group of these Saadi shepherds planned a particularly large raid upon another tribe, they would drive their flocks down to the Merabiteen, who looked after all their animals while they were away fighting. Similarly, if the Merabiteen were raided or feared that they might be raided, they would seek the protection of their hardened Saadi shepherds and get them to do their fighting for them at the price of as much booty as they could lay their hands on. Thus the much despised shepherd and goatherd, the paid servant of the wealthy religious houses, became in his turn the wealthy squire of the desert, possessing enormous herds and a reputation as a bold and fearless fighter.

The holy men on the other hand equally had the tables turned on them. They lost most of what flocks they had had and eventually became the shepherds of the Saadieen. The term "Saadi" then came to correspond to what we should now call a "county family," and "Merabit" implied the servant class employed by the Saadi. In the old inter-tribal wars the unfortunate Merabiteen stood a very poor chance, as they had never professed to be fighting men. So Saadieen tribes adopted Merabiteen tribes, and in return

for a yearly tribute guaranteed to protect the Merabiteen from external aggresssion.

Most signs of the original differences between these two divisions have now disappeared; but if a Saadi sheikh is travelling through territory belonging to a Merabit family originally attached to his tribe, even at the present day individual Merabiteen may bring him an offering of a sheep or a goat—a relic of the old-time tribute paid to their protector. As time went on, and with the ever-increasing contact with civilisation, these differences for all intents and purposes practically disappeared. One or two outstanding Merabit tribes remained aloof and fought their own battles without seeking protection from outside, while others were being adopted and protected by Saadi tribes. A few other Merabit tribes rose up and fought with their protectors against a common foe, and in return were emancipated from the stigma of s rfdom and accepted by the Saadieen rather grudgingly as almost social equals.

Other Merabit families are still "attached" to Saadi families and have almost become merged into the Saadi, who, however, still treat them rather as poor relations. At the present day the "Independent Merabiteen" as they are called—i.e. not originally attached to a Saadi tribe for purposes of protection—are usually found to be more independent in character, and more obviously descended from fighting stock than the others. Such tribes as the Gimeiat, the Gadadfa, or the Gawabees distinctly shew these characteristics.

THE TRIBAL IDEA

The civilised Westerner gets so used to regarding all conditions of life from the point of view of the individual that it is very hard for him fully to appreciate the tribal point of view. A clerk in a London office naturally regards it as entirely a matter for himself to decide whether he lives at Palmer's Green or Clapham Common; if he is arrested by the police for theft or embezzlement, it is again

purely a private matter concerning himself alone; if he elect to marry, it is a personal matter whom he marries; and if he gives evidence in a Law Court against a burglar who has broken into his house, the matter ends as far as he is concerned with the punishment or acquittal of the accused.

With the Bedouin the whole position is different. At the back of all Bedouin Law and Custom lies the root idea, which is the *maintenance of the fighting strength of the tribe.* It will be found that the mentality of the Bedou and his attitude towards his womenfolk, his animals, and life in general are all subservient to this one paramount idea. With neighbouring tribes scattered all over the desert, between some of whom exist alliances and friendships, and between others tribal feuds of many years' standing, the general security of the tribe depends upon the maintenance of its fighting strength.

Thus it will be seen that such questions as domicile of individuals, births, marriages and deaths are of supreme importance to the tribe as a whole, in so far as they affect the actual or potential fighting strength. Moreover, since life is looked at entirely from the tribal standpoint, each individual is merely a link in the tribal chain, and if one such individual dies or becomes a casualty for any reason, the only thing that matters is to replace him as soon as possible, and to re-establish the original organisation and numerical strength of the tribe.

Bedouin children born and bred under this idea naturally grow up with an innate feeling that loyalty to the tribe is the all-important point, and that pain, suffering, hardships or death of the individual as such are absolutely immaterial and of no account.

If a shepherd grazing his flocks in the desert were set on and beaten by another tribe, the man himself might ultimately get some financial satisfaction for his bodily injuries; but the important point would be that the other tribe had offered an insult to the shepherd's tribe, or possibly reduced

its fighting strength. If taken in hand at once, the matter might be settled by the sheikhs and notables concerned by the payment of compensation—probably in the form of camels. But if it were not taken in hand at once, the insult might grow to alarming proportions, finally ending in reprisals being taken and in a blood feud between the two tribes.

An obvious question then presents itself. How can the fighting strength of a tribe be ascertained, as presumably its numerical strength will continually vary and fluctuate with births and deaths? To any one who has been in direct contact with warlike Arabs the question of the likelihood of very much increase presents but little difficulty. The children of the wilder tribes of Bedouin are born under conditions which our English welfare workers would condemn at sight as sheer infanticide.

Imagine life in a Sinai Bedouin tent in the depth of winter—a miserable shelter, measuring perhaps three metres by two by one and a half; goats and sheep living with the family in an undescribable state of filth and fleas, in a tent by no means guaranteed waterproof; a howling wind sweeping over the desert; and in the middle of it all, a two-days-old baby dumped on the floor of the tent, and covered over with some filthy rags, while its mother milks the goats, makes the bread, or goes to fetch water from the well.

In addition to this their midwifery is of the most primitive order, and the infants that survive are indeed examples of "the survival of the fittest." These conditions of life alone would suffice to create a high rate of mortality among infants, and also among the aged; but disease and sickness are also to be reckoned with. It is true that an Arab, who walks miles a day for weeks on end in all weathers, is not subject to the minor coughs and colds like civilised folk; but against that, all sorts of diseases are rife among the Bedouin, and the International Quarantine representatives on the pilgrim routes to Mecca are frequently finding

A SINAI HOME

A WESTERN DESERT TENT

carriers of plague, cholera, smallpox, and so on among them.

All primitive peoples consistently fail to understand sickness, and many examples could be quoted of healthy patients suffering from some quite minor ailments making up their minds that they are sick unto death, and dying in a few hours from auto-suggestion. Consequently any epidemic invariably takes greater toll from among the ignorant and superstitious than would be the case from a more enlightened community.

It is an established fact that closer contact with civilisation and generally improved conditions, approximating towards the settled life of the cultivator, immediately re-act in the decline of infant mortality. The semi-settled sections of the Aulad Ali in Mariut are a striking example of this. They have settled quite close to the Nile Valley, have practically ceased to be nomadic, and have entirely ceased to be warlike. Their general mode of life is softer and easier than that of their fathers, their tents are roomy, comfortable and watertight, and their birth rate is enormous. Their surplus population, whom the land cannot support, finds its way into the Nile Valley with the town-dwellers or among the Fellaheen.

CHAPTER IV

JUDICIAL ORGANISATION

Penal Law—*Pour décourager les autres*—Bedouin Law—Absence of the Penal Idea—Retribution and Restitution—Whose Eye?—Support of the Civil Power—Police—The Two Codes—Life at All Costs—A Cheap Commodity—Procrastination—Law, Complex and Simple—Precedent—Thumb-prints—The Austrian Cast-away—Local Precedent—Act of God: who is Responsible?—Ourfi Cases—No Hide-bound Procedure—Jethro's Suggestions—"A Life for a Life"—Reprisals and Personal Animosity.

PENAL LAW in civilised countries, in which the individual is the unit, consists in inflicting punishments on guilty individuals in order that others may be warned and discouraged from similar misdeeds, and that the community as a whole may be saved from similar crimes against the safety, honour and welfare of the collective community.

Bedouin Law, on the other hand, which is based on the tribal and collective idea, and in which individualism plays no part, consists simply in retribution and restitution. Bedouin Law knows no punishments *qua* punishments: it is solely concerned with the retribution and restitution of "an eye for an eye and a tooth for a tooth," whose eye or whose tooth being immaterial to the principles involved. In actual practice the personal element cannot be ignored, the restitution to be made being demanded from the aggressor himself if possible, or failing that from his next of kin. Thus if an eye is knocked out, Bedouin Law demands that another eye shall be knocked out in return, or that the first one shall be paid for, there being no hint or suggestion of inflicting punishment to prevent similar occurrences in the future. This represents the fundamental difference between civilised and Bedouin Law.

The penal side of this law is negative; consequently, in order to make it applicable to modern conditions even in the desert, and positive in its deterrent qualities, it has been found not only desirable but practicable for the Civil Power to support the Bedouin Code in its application. Elsewhere in Egypt the Egyptian Penal Code is universally recognised and enforced by the police, representing the right hand of the Civil Power. Technically the nomadic tribesmen of the deserts are just as much Egyptian subjects as are the more sophisticated town-dwellers or the unintelligent masses of peasants in the Cultivation, to all of whom the Penal Code of Egypt is equally applicable in theory. In actual practice among the Bedouin, no matter how just and right Government interference or police punishments may be, no reconciliation between the contending parties can take place, so long as their own customs and laws remain unsatisfied. A Bedou murderer or thief may be imprisoned for long periods by the police, but on the conclusion of his sentence, and on his return to his tribe, he will be called upon to comply with the provisions and payments ordained by his own code. This is tantamount to two punishments for the same offence under two different codes, and is obviously unfair.

In order to obviate this anomaly, when both parties in a case are Bedouin it is usual for the police or administrative officer on the spot to use his discretion whether the official code shall be employed, or whether it shall be waived entirely in favour of the code understood and approved of both parties. In many cases the rigid application of the official code would entail real injustice to Arab litigants, and would defeat its own ends by prolonging, instead of putting an end to, the ill-feeling from which the litigation arose.

The Egyptian Penal Code inflicts greater punishment for thefts and other crimes committed at night, the assumption being that premises are more easily burgled under the cover of darkness. In the Arab tents of the desert, the

family return at sunset, when the men of the family are at home to protect their womenfolk and property from aggression; whereas by day the men are all out in the desert, and a solitary woman may be left in charge of the tent. Under the Bedouin Code the position is obviously reversed. In some cases the Penal Code may be employed to deal with some side-issue, while the principal plaint may be left for disposal by Bedouin Law.

It may be objected that it is unfair to hand over to the police a town-dweller, after committing a murder, for penal servitude for life or the death sentence; while a Bedou for the same offence merely returns to his tribe, and pays so many camels as restitution. This objection is to a certain extent justified; but it must not be forgotten that the "value of a life" is only a comparative term. Civilisation tends to enhance the value of the human life, and science, medicine, and surgery are directed to the saving of life at all costs—even the life of a hopeless imbecile, a dangerous lunatic, or an old man whose faculties have all gone—by the administration of oxygen, to prolong a useless life for another hour or two. Among warlike Bedouin life is a very much cheaper commodity, and although attention is paid to the maintenance of a tribe's fighting strength, a human life—apart from this one consideration—is a matter of little moment. Consequently civilised law demands heavy penalties for murder, while the Arab bloodmoney is proportionately lighter, each code answering to the requirements of its own table of values.

In all cases concerning Bedouin only, it is the chief concern of the administrative officer on the spot actively to encourage the sheikhs, in their capacity as administrators of Bedouin Law, in the expedition of their judgments and settlements. Time is of little account in the desert, and thoughtless procrastination in the application of their law, rather than faults in the law itself, is the chief difficulty to be contended with. It is no uncommon thing to find a case of forty years' standing still unfinished, not because the

judgment was not just and proper in every way, but simply and solely because the Bedouin judgment was not supported by the insistence of the Civil Power on judgment being enforced in reasonable time. It was the writer's privilege, in the course of his duties as administrative officer both in the Western Desert and in Sinai, to give this necessary support of the Civil Power to many of these cases. Those quoted in subsequent chapters are types of the many cases of all sorts dealt with in this way.

All law, of whatever kind it may be, is founded on the rock-basis of commonsense justice. As civilisation becomes more intricate and complicated, and new conditions of life arise from the ever-changing complex network of man's relations with his fellows and with property, the law must of necessity advance in corresponding ratio with the increasing intricacies and difficulties. The net result to the ordinary individual is that, owing to our complex civilisation, law has become so involved and ramified that he cannot attempt to understand it, and whenever he wishes to make a will or buy a piece of property, he has perforce to employ a professional expert to protect his interests.

As mentioned above, the law becomes more intricate as conditions of life become more complicated: conversely too, among peoples who have undergone practically no change in their dress, customs, habits and modes of life for two thousand years, their original law is found practically *in statu quo ante*. Other peoples, in varying stages between the primitive and ultra-civilised, shew varying modifications of their original Codes, in ratio to the modification of their customs.

Modern civilised law, besides standing firmly on its rock-foundation of commonsense justice, is further strengthened by a buttress which we now call "Precedent." With the advent of new inventions such as aviation, and new conditions attendant thereon, fresh legal cases arise, and a decision taken with consummate care by legal experts in the first case is quoted again and again in similar cases that

may subsequently be brought to Court. Thus there has sprung into being a stereotyped judgment for practically every contingency, and it is the duty of the legal expert to be able to find and refer to cases similar to that for which his technical advice has been asked, and to discover a precedent for it.

The importance of careful filing of such cases and precedents is self-evident, and these archives in their turn presuppose the existence of clerks, offices, reference libraries, and above all the ability to read and write.

The primitive Bedou is in a very different position—clerks and offices are beyond his wildest dreams, and his judgments (if written at all) may be slowly and painfully inscribed on the back of an old letter, and witnessed with several inky and smudgy thumb prints. In this way it is often impossible to ascertain with any degree of certainty what the precedent for any particular case may be. Different localities have varying local differences, and one sheikh will be noted for always giving a more lenient judgment than another. One tribe, with a reputation for camel-thieving, may take a view of a stolen camel case differing from that of the tribe from whom the camel has been stolen, and so on.

But the main difference lies in the divergence of custom between the tribes of different stock and origin. Thus, speaking generally, the Sinai Bedouin are pure Arabs descended from tribes in Arabia, while many of the Western Desert tribes are almost pure Berber stock, with an infinitesimal admixture of Arab blood in their veins.

The Senagra or Sungur section of the Aulad Ali proudly claim to be descended from an Austrian named Singer, who is reported to have been shipwrecked on the Western Desert coast. They relate how he was received by Abu Hindi, the grandfather of the Aulad Kharouf, and how the latter gave him flocks and herds, and made him honorary member of his tribe, and finally gave him his daughter Saadah, from whom the enormous Senagra tribe claims to have sprung.

It is thus impossible to establish a hard and fast precedent common to all Bedouin in Egypt, or to draw up a schedule or code of crimes and punishments which will be equally applicable to all desert peoples. However it will be found that each main group of tribes, living more or less in one area, has its own rough schedule or code (unwritten), and as a rule judgments given within the limits of that group will be more or less similar. In other words, what closely approximates to a law of precedent will be found peculiar to each main group, in so far as the group is geographically self-contained. Thus the Aulad Ali in the Western Desert of Egypt, between the Tripoli frontier at Sollum eastwards to the outskirts of Alexandria will have their schedule; the Sinai Arabs forming another group will have theirs; the Ababdeh Arabs in Upper Egypt will have theirs, and so on.

The Bedouin Law cases, or "Ourfi" cases (as they are called from a classical Arabic word implying "what is known" or "what has become a custom"), fall chiefly into various categories, under which they will be dealt with in due course. The principal of these are Bloodmoney, for blood spilt or a life taken; Damages, for blows or wounds received as the result of assault; Land disputes, concerning grazing areas or rights of cultivation; Debts, and various other cases involving litigation concerning share of property, dowries, alimony, divorce, stolen and strayed animals, and so on.

It is proposed to deal subsequently with these types of cases *seriatim*, giving examples of each, and shewing the problems likely to be met with and the procedure adopted in each case.

It is difficult to lay down any fixed rules of procedure governing the organisation of Bedouin Courts. Until comparatively recently, when British administrators first began to lend their support to the Bedouin courts, or to sit on them in the capacity of Judge Advocate, very little was known either of the organisation of these courts, or their procedure or judgments. Hence it is difficult to say what

was the original procedure adopted among the Bedouin themselves, prior to and apart from the benign interference of non-Bedouin administrators.

The general principles, as elsewhere in Bedouin Law, have been based on practical commonsense. Thus if two brothers have a dispute, their father should adjudicate between them. If the complainants are first cousins, then their respective fathers should judge between them. To take an example from the Aulad Ali and the Ali el Ahmar seen in the last chapter, if one of the Mawi family have a dispute with one of the Mereimi family, then the heads of these two families are responsible for seeing the case settled, quite possibly calling in the head of the Gabr Group to give weight to the proceedings. If a Ginaishi of the Mawi family murders a man of the Kimeilat, then the Mawi family (either alone or in company with other families according to private agreement) will have to pay blood-money to the family of the murdered Kimeili, who in their turn will either receive it alone or in conjunction with other families as before.

In this latter case the matter is inter-tribal, and in all probability would not be settled merely by the respective sheikhs of Ginaishat and Kimeilat tribes, but by the addition of one or more important sheikhs from neutral tribes as assessors.

Since the inception of officially recognised Bedouin Courts, under the Presidency of British Administrative officers, the procedure, although adhering to these broad commonsense principles, has varied slightly in different districts and under different officers. In one district it was customary to have a list of eight or nine sheikhs, of whom a quorum of at least three were present every court day (once a week) to dispose of small cases that might arise. If important cases were to be heard, probably all the sheikhs of the district would be there, in addition to other sheikhs from other parts of the desert who had arrived as witnesses or extra assessors.

In Sinai the procedure adopted resembled more the original Arab system. In almost every case where a dispute had to be settled between two individuals, the plaintiff nominated one assessor or judge, the defendant another, and the Government nominated a third. These three magistrates then sat in solemn conclave, either in their own tents, in the police office, or in the open desert; and on conclusion of the case, when an agreement had been arrived at, they submitted their decision to the Government Representative for official confirmation, after which it was enforced by the Civil Power.

The organisation of Law Courts among the Children of Israel suggested by Jethro (Exodus xviii) is far too tempting a parallel to let pass without comment. The Omdas and sheikhs ("rulers of thousands and rulers of hundreds") were appointed as magistrates and County Court Judges, while tribal feuds and cases of appeal were brought before Moses' own Supreme Court.

These primitive courts were given a very rigid Penal Code on which to try the cases brought before them, and it is noteworthy that, owing to the tribesmen being so quarrelsome, it was considered advisable to deal drastically with assault and murder cases. Thus was established the well-known principle, providing for "a life for a life, an eye for an eye, and a tooth for a tooth."

There are, however, in the Book of Exodus (xxi, 19, 22) indications of a system of fines; though it is not clear what form these fines took. Exodus xxi, 32 establishes the value of a slave's life at thirty shekels of silver, whereas the life of a free-born child of Israel had to be paid for by another life.

The principle of "an eye for an eye, and a tooth for a tooth" in its original and most barbaric form presupposes reprisals taken at the discretion of the individual or individuals who consider themselves wronged. But nowadays, among the more enlightened tribes of the Western Desert it is more or less recognised that such claims must receive

the sanction of the tribe, and must be claimed in an orthodox manner through the usual channels. In this way promiscuous reprisals by misguided or irresponsible persons are usually avoided.

The Sinai Arab is on the whole more primitive than his Western counterpart, and the idea is still prevalent in Sinai that a claimant to compensation of any kind is perfectly justified in seizing on his own responsibility property from the individual or tribe from whom compensation is due, provided that the claimant considers that his claims have not been settled within a reasonable time.

This action, on the initiative and responsibility of an aggrieved individual, without reference to the sheikhs or seniors of his tribe, may (and occasionally does) lead to serious trouble. This custom may be regarded, not as a weak point of tribalism, but as the triumph of personal animosity over a wiser tribal code.

CHAPTER V

EVIDENCE & BEDOUIN LAW

Ignorant Disparagement—Uses of Bedouin Law—No Evidence—The Oath, Biblical and Bedouin—Who Swears?—Backers—The Ghost from the Tomb—Casuistry or Commonsense—Oath not Taken—Right to Swear fluctuates—Commonsense Justice, not Technical Quibbling—Oath perpetually binding—Payment for Oath—Evidence First- and Second-hand—Hearsay—Women's Evidence—Time Limit.

It is only too common, among people who ought to know better, to hear them disparaging the Bedou, regarding the man himself as a dirty illiterate fellow, living under very much the same sort of conditions in the desert as his camel, and his law as a barbaric code of customs, long since out of date, and utterly useless. That this valuation of the Bedou and his law is far from being correct is being continually proved at the present time.

In the absence of satisfactory evidence, one Arab accused of murdering another is acquitted by the Penal Code of Egypt and released, even though the enquiring officer may be convinced in his own mind that the accused is guilty. On his release he returns to his tribe, when Bedouin Law automatically comes into operation. It will often be found in cases such as the above, after a "Not guilty" verdict has been given by the police, that the sheikhs call their own court and go thoroughly into the question. This second Bedouin court succeeds in making the tribe of the former accused plead guilty and accept responsibility for the crime, and in due course they pay the bloodmoney ordered by the court to the other tribe.

Thus Bedouin Law is invaluable in cases where murder or theft has been committed out in the desert, and where

no evidence exists. Any civilised Penal Code is hopelessly inadequate in these cases, but the Bedouin code possesses machinery peculiarly adapted to discover the truth in the apparent absence of any evidence whatsoever. In a nutshell, this machinery consists of the *Oath*, which is undoubtedly contemporary with, if not considerably older than, the oath as found in Exodus (xxii, 10, 11): "If a man deliver unto his neighbour an ass or an ox, or a sheep, or any beast to keep, and it die or be hurt or driven away, *no man seeing it*, then shall the *oath of the Lord* be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept, and he shall not make it good."

The oath is only used where evidence is either non-existent or insufficient to adopt any other means of ascertaining the truth. In this connection, the ordinary oath taken by a witness before giving his evidence is not referred to; but the oath in the technical sense means the *Oath of Purgation*, i.e. the act of clearing oneself from the suspicion of guilt by swearing that one is innocent, or, alternately, of swearing to the guilt of the other party. The procedure in Bedouin Law is apt to be confusing, as on some occasions plaintiff swears that his plaint is true, and on other occasions defendant swears that the plaintiff's case is *not* true, and that he is innocent. What then are the rules governing this procedure?

It may be accepted as a general rule that it is the defendant who swears, either by himself or supported by others according to circumstances, it being assumed throughout that the oath is not resorted to unless the evidence be unsatisfactory. Among the Aulad Ali in the Western Desert, the oath of the defendant alone is considered sufficient to clear himself in small, unimportant or trivial cases. If however *A* accuse *B* of stealing a camel, or other goods to the value of twenty pounds or so, *B*'s oath is not considered sufficiently weighty, and the Court will demand that four other men of his family or tribe swear

with him. When *A* claims theft of one sheep, or other property not exceeding a couple of pounds in value, the Court will demand that *B* shall swear his innocence, backed by one other blood relation.

In all cases of the oath, as in the cases of murder and bloodmoney following, *A* invariably has the right, not only to dictate the form of the oath, but also to choose the men of *B*'s family or tribe to back him in his oath, and still further to choose the particular sheikh's tomb at which the oath should be taken. These provisions and rights given to the plaintiff are very wise, and in most cases are calculated to circumvent any possibility of deceit or false swearing on the part of defendant or his backers. Naturally *A* will only pick from *B*'s family to back him in his oath such men as are, to his knowledge, men of their word and people who would not take the oath unless they were certain of their facts. *A*'s choice of the place in which the oath is to be taken is another powerful weapon in his hand. *A* knows, for example, that the patron saint of the Habbon tribe is Sidi Gobran, and that all the Habbon families reverence their local sheikh's tomb and would be terrified (if they swore falsely on their own particular sheikh) that the "afreet" or ghost of the old man would dog their footsteps, kill their flocks and camels, and generally bring them bad luck. Hence an oath, taken by anything up to fifty-five men, chosen specially as men of their word, and taken at the tomb of their local sheikh, is almost as good evidence as you would get in any court of law in the world.

In bloodmoney cases the number of men chosen to back the defendant's oath is naturally increased, in corresponding ratio to the importance of the case. This number is usually fifty men chosen by the plaintiff from the defendant's tribe to back his oath, but in some tribes custom demands that this number shall be fifty-five. In all the above cases, however, the names of the men chosen by the plaintiff as backers for the defendant must be submitted to, and approved by, the court.

In bloodmoney cases another example of apparent casuistry is observed. It may happen that in *B*'s family or tribe there are only thirty-seven men, whereas custom demands that fifty should swear, in addition to the defendant himself. In a case like this *B* himself and the remaining thirty-six adult men of his family take the oath first, and subsequently thirteen of them will swear again a second oath. On the face of it, this appears childish; but when the tribal point of view is carefully considered, there is a perfectly sound reason for it. If the oath of thirty-seven men only were accepted in one particular instance, it might establish a precedent for allowing a reduced number to swear. Thus the weight and value of the oath might be impaired, and the importance of insisting on a large number of backers in murder cases might be lost sight of.

It is important to remember that if the defendant himself or one single man of those chosen by the plaintiff to back the defendant in his oath fail or refuse to swear as directed, the whole case for the defence crumples up, and judgment is awarded automatically to plaintiff.

Up to this point the oath has been taken by the defendant, or (in more legal terminology) the Right to Swear lies with defendant to prove his innocence of the charge preferred against him—on the assumption that the burden of proof lies with the plaintiff to prove his charge, and in the absence of such proof the oath taken by the defendant is sufficient to clear him.

But in other cases the Right to Swear fluctuates between the plaintiff and defendant, dependent on the evidence available before the court. Also the defendant may of his own free will accept liability for the charge, provided that the plaintiff swear that his charge is true, and this procedure may be adopted, if the assessors of the court agree. The rules governing the giving of the Right to Swear to plaintiff or defendant are rather confused; but they will be easily seen in the following hypothetical case.

A accuses *B* of murdering his (*A*'s) brother and pro-

duces one *C*, who professes to be a witness to the facts of the case, to support his charge. The first duty of the court then, after hearing the plaint, is to ascertain whether *C* is a reputable witness, and whether any ill-feeling exists between *B* and *C*, which might bias *C* in his evidence. If the court establish the fact that *C* is a reputable witness, but that ill-feeling does exist between the two, they will question him to find out the cause of this bad blood. If the cause of it be a debt of a pound or two still unpaid, and *C* appear to be otherwise a perfectly credible witness, the evidence of *C* will be accepted.

If *B* can produce no evidence to refute the charge, then the evidence against him is "two to one against"; and the court may then give the Right to Swear to *A* and *C*, in which case *B* will be called upon to make restitution. It frequently happens that *B* comes into court determined to "bluff it out" and to protest his innocence; but when *A* and *C* are both prepared to swear, he realises that he has no case, and admits the charge with promptitude and a broad grin.

In the event of *C* (*A*'s witness for the prosecution) being disqualified for any reason, *A* will be asked if he can produce any other witnesses, and *D* may be substituted for *C*. If *D* be considered credible and there be no objections against him, the former procedure will be observed, and *A* and *D* will be given the Right to Swear. But if, on the other hand, *A* have only one witness *C*, and the court reject *C*'s evidence (whether owing to the existence of a bloodfeud between *C* and *B* or for any other reason) then the position reverts to the original simple case, where plaintiff cannot support his charge with evidence. Under these circumstances the Right to Swear is given to defendant *B* in the usual way. If *B* can produce a witness *E* for the defence, at the same time as *A* produces *C* for the prosecution, then again with an equality of evidence, the defendant is given the Right to Swear.

As stated elsewhere, the Bedouin assessors, although

conscious of very definite rules and regulations governing their procedure, are by no means hide-bound or restricted by them. They are nearly always found to be much more concerned with giving common sense justice, and trying each case on its own merits or demerits, than with rigid adherence to any specific formulae or stereotyped rules of procedure. Thus if the defendant in a bloodmoney case agree to pay the bloodmoney without demur if ten or twenty men of the plaintiff's tribe swear to it, then the court would probably use their discretion and accept this agreement, without insisting on the oath from fifty or fifty-five men as laid down in their rules of procedure. Similarly, if rules of procedure dictated that defendant should swear backed by four others in a minor case, the oath of only two men might be accepted if the plaintiff agreed.

Whenever it appears from the proceedings of a case that the normal procedure has been departed from, the cause will usually be found to lie in an agreement come to between the two parties in or out of court, and accepted by the court. Sometimes the sheikhs forming the court have personal knowledge of the litigants, and also of the facts of the case, and they may decide accordingly to waive some or all of the normal procedure.

A striking example of the esteem in which the oath is held by the Bedouin themselves was furnished by two almost exactly similar Ourfi cases in the Western Desert. In the first case one tribe brought an action against another in connection with water rights in a particular well. The case was a lengthy one, and although what evidence existed was not really conclusive, judgment was eventually given to the plaintiff tribe on the evidence available, the oath not being resorted to. Shortly afterwards the second case occurred, when the evidence was still more unsatisfactory. The court, after long deliberation, ordered the defendant tribe to swear with fifty men that they were rightly in possession of the water rights which they held. This oath was duly taken, and the plaintiff tribe had perforce to with-

draw their claim. A year or so later important documents newly brought to light were discovered bearing on both cases. The first document proved conclusively that the first judgment was incorrect, and that the defendant tribe should have won the case. The second document was equally conclusive that in the second case the oath of the defendant tribe had been sworn falsely, and that a wrong judgment had been given.

Both these cases accordingly came up for re-hearing, and on reconsidering the former, the court weighed the evidence now available and promptly reversed their previous decision. In the second case, however, the sheikhs maintained that the previous oath, having been sworn by the defendants and accepted by the plaintiffs and the court, was absolutely binding and could not be altered under any pretext. They furthermore enunciated the principle that an oath once taken and accepted by the other side could *never* be reversed, irrespective of any fresh evidence that might subsequently be produced before the court.

An extraordinary custom is found in Sinai, in cases where a witness is asked to take the oath. If a witness be called by either party to give evidence before the court, every effort is made to arrive at some amicable settlement without having recourse to the oath. If the parties still cannot agree, and the witness be required to take the oath, the party losing the case must pay a fee (usually about £4) to the witness. On the face of it this custom seems to possess neither rhyme nor reason; but closer investigation will disclose some element of reason in an apparently meaningless custom. In the first place it is always the object of an Ourfi court to do all in their power to enhance the value of the oath and to keep it for what it was intended to be—the last resort when all other evidence fails. Thus an oath for which £4 has been paid will have an enhanced value to the man paying the sum, while except in very rare cases the superstitious Arab would not consider it worth while to risk the prosperity of himself, his family, and his animals by a false oath for the sake of such a sum.

Also in some cases witnesses have actual first-hand knowledge of the facts of the case, whereas others may have only more or less hearsay knowledge. The latter may be very useful in arriving at a settlement without the oath, but a witness would hesitate to take the oath unless he were really in possession of first-hand knowledge. This first-hand knowledge is, in the eyes of Bedouin Law, worth paying for. It is also felt that a witness taking the oath is going out of his way to undertake a serious duty in the interests of public justice, from which presumably no personal advantage can accrue to himself. This fee therefore is by way of compensation.

Another reason for this fee is probably the idea that with a people, among whom reprisals are the fundamental starting-point of their law, a witness who gives evidence on oath for or against a party is, to a certain extent, involving himself in liability to incur reprisals. Unless it were made worth while by monetary compensation to risk such reprisals, the witness might hesitate to take the oath necessary to clear up the case.

In any kind of law evidence may be classified as first-hand or second-hand. To take a very easy example, in a thickly populated area it is impossible for a man to shoot somebody in the street in broad daylight without one witness seeing him fire a shot, another seeing the victim fall in the road, a third seeing the perpetrator running down a side street with a gun in his hand, and so on. Evidence such as this is first-hand, and obviously of the greatest use in a court of law. Secondary evidence is less valuable; but in a thickly populated country like England it is nearly always possible to obtain sufficient first-hand evidence, supplemented by circumstantial evidence, to obtain a conviction. Consequently third-hand evidence, such as hearsay evidence, is practically always disallowed in English law, for the perfectly good reason that better evidence almost invariably exists.

Bedouin Law in the desert is frequently faced with the

entire absence of first-hand evidence. It is moreover imperative to settle the case quickly, or reprisals will be taken. Hence in Bedouin Law any evidence at all, hearsay or otherwise, may be accepted at its own limited value, if it be considered that it will help to elucidate the facts of the case or assist in some sort of agreement being arrived at. If this hearsay evidence were ruled out as inadmissible in Bedouin Law, many cases would never be completed, nor settlements agreed to, with the result that feuds would remain, and reprisals continue to be taken.

Another interesting point in Arab Law, besides the occasional admission of hearsay evidence, is the refusal under normal circumstances to accept the evidence of a woman. The only occasions when the evidence of a woman is accepted are:

1. When they are concerned with offences against her person, or against her own safety.
2. When they are concerned with a fight or quarrel among women only, when no men were present to give evidence.

In the former case, not only is her evidence accepted, but it is accepted practically without question, even when it is in direct contradiction to the evidence of a man. It is recognised that under desert conditions it will frequently happen that a woman may be entirely alone, and possibly miles from her men-folk, and that if any stereotyped rules of evidence were insisted on, the cases would usually go hard with the woman. Such a custom as this is certainly to be encouraged under desert conditions, and although in very rare cases this acceptance of her story may be abused by the woman herself, the custom more than justifies its existence, and results in women's immunity from molestation.

In the desert life of a nomad people it would be impossible to fix any hard and fast time limit of liability, since tribes and families are drifting about over enormous areas, dependent on the very unreliable rainfall, and since no

guarantee can be given when a particular tribe or family will again be in any given place. Hence theoretically Bedouin Law claims that lapse of time cannot affect the right to take reprisals, or the right of compensation, even after a very long period of time. Entirely contrary to our English Law therefore, a murder committed three hundred years ago theoretically entails exactly the same penalties as a similar crime committed yesterday. In actual practice, however, if a tribe from whom bloodmoney is due has been right away from the domicile of the claimants for ten years or so, and then returns, the above principle would hold good. But if, on the other hand, the case had been allowed to drag on for many years, and the claimant tribe had taken no steps to see that the money was paid and the case finished, in all probability when the case was finally heard the principle enunciated above would in actual practice be considerably modified, as indeed would be the case in English Law, with what are technically known as "Laches."

CHAPTER VI

BLOODMONEY—SINAI

One Dead Man for Another—Money for a Dead Man—Currency, Cash and Camels—Animals Valuable and Worthless—Payments in Camels—A State of War—Guarantors—Reprisals—Police Pressure and *Amour-Propre*—Deposit on Account—A Life to replace a Life—The Murderer's Daughter—Inter-family Agreements—Intentional Murder—The Wounded Dawaghra—Identification of the Murderer—The Avenger of Blood—The Final Agreement.

IN the primitive days it was specifically ordained that a life must be paid for by a life; but as the tribes became more civilised, public opinion began to revolt against the crudity and barbarity of this custom. Hence there came to be evolved the system of paying bloodmoney in lieu of a life.

The Aulad Ali, in the Western Desert of Egypt, are in touch with civilisation in so far as they can always dispose of their livestock in the markets, either to buyers from the Cultivation or to Bedouin merchants who buy in the desert and sell later for the Alexandrian and other markets. The direct result of this trade is that the Western Bedou continually handles money, and is in the habit of regarding everything in terms of cash.

The Sinai Bedouin, on the other hand, mostly live rather from hand to mouth in the "Wadis," or valleys, among the hills of Central Sinai, and for months at a time have little or no connection with the outside world. They carry on a very precarious existence, many of them raising a little corn and just enough livestock to support life. Consequently, being almost entirely self-supporting, the Sinai Arab handles very little money, and regards almost everything in terms of camels, which form practically his only

currency. Thus an Aulad Ali family regards bloodmoney as £300 or £400, as the case may be, in cash; but in Sinai it is forty-one camels, provided that there be no aggravating circumstances. If however a particularly dastardly murder be committed, or any very aggravating circumstances exist, the number of camels to be paid may be increased.

It is important to understand the different types of camels referred to in Arab Law, whenever payments are to be made in camels, whether for bloodmoney, damages or any other reason. To the uninitiated at home, a camel is a camel, just as a sheep is a sheep to the ordinary townsman who does not understand the technical nomenclature employed by the sheep breeder to denote the differences in age, sex and breed of his stock. Arab law recognises six main types of camels, which (without entering into all their technicalities) should be understood.

A camel only "gets a full mouth"—i.e. gets all its teeth developed—when it is between seven and eight years old, its milk-teeth beginning to drop out and being replaced by its permanent teeth soon after its fourth year. A camel of seven to eight years old with its full complement of teeth can graze on all sorts of rough scrub and thorn, which it can masticate and digest properly, and on which it can thrive. A four-year-old is just shedding its milk teeth, and the first of its permanent teeth are only just showing above the gums. Consequently it picks delicately at the more succulent green shoots, but cannot eat or thrive on a great deal of the hard woody scrub which its mother so obviously enjoys. The result is that the older camel can be relied upon to find grazing of some sort almost anywhere and is practically self-supporting out in the desert, whereas the youngster does not get the same amount of food and cannot carry anything like the same load, and is only half the value.

Apart from the differences in value owing to age, there are almost as many varieties of camels as there are of horses, from the big heavy baggage camel of the Western Desert

GRAZING CAMELS

(corresponding to a Shire or a Clydesdale) to the very light trotting camel found in Sinai. For the purposes of payments in Arab Law camels in Sinai are divided into the following classes or grades:

Class 1.	Riding camel	aged	7–8	years,	known as "Tulba"
„ 2.	Baggage „	„	7–8	„	„ "Rabaia"
„ 3.	„ „	„	6	„	„ "Gadaa"
„ 4.	„ „	„	5	„	„ "Hegg"
„ 5.	„ „	„	4	„	„ "Marbout"
„ 6.	„ „	„	2	„	„ "Mafrout"

Whenever "camels" are referred to in Arab Law, one or other of these classes or grades is implied. Class 1 is only given in bloodmoney and serious cases, so "three camels" in the ordinary course of events would mean one each of Classes 2, 3 and 4; "five camels" one each of Classes 2, 3, 4, 5 and 6, and so on.

For the payment of the forty-one camels specified in bloodmoney, the usual distribution will be as follows:

Class 1.	One camel.	Class 4.	Five camels.
„ 2.	Twenty camels.	„ 5.	„ „
„ 3.	Five „	„ 6.	„ „

It may however happen that a small family from whom this payment is due does not possess five each of the last four classes. In such a case six camels of Class 4 and four only of Class 5 might be substituted with the approval of the receiver. In no case, however, can the one camel of Class 1 and the twenty camels of Class 2 be varied. In subsequent chapters these classes of camels will be met again, particularly in the case of damages.

The Sinai Arab, like his cousin across the Gulf of Akaba, being still a warlike individual, recognises a "state of war," and Arab rules of bloodmoney lay down very distinctly that no such money is claimable when a state of war exists between the tribes of the slayer and the slain. In all cases in Sinai, where compensation is to be paid or restitution made in any form, the debtor is required to produce a

guarantor who must naturally be approved by the court and accepted by them, not only as a man of his word, but also as a man of substance, who will be capable if necessary of paying the debts of the man he guarantees.

In actual bloodmoney cases Arab Law insists on two guarantors, one of whom is made responsible for the collection of the debt and for seeing that it is paid off with all possible speed, in order to obviate the possibility of reprisals being taken for non-payment. This man is chosen from the murderer's tribe. The other, from the opposite party, is made responsible that no reprisals are taken until the debt be paid. When payment is to be made in the form of camels, a third guarantor is appointed, usually from a neutral tribe. His duties are to inspect the camels offered for payment, and to guarantee that the proper value is honestly paid off.

The duties of the second guarantor are sometimes very difficult, and a method of assisting him in his task has been devised. The representatives of the murdered man are asked, as soon as possible after the murder has been committed, to accept a cash deposit from the other party, as an earnest of their willingness and intention to meet the full obligation of their debt. In the ordinary course of events the family of the murdered man will accept this deposit, and then wait for the full payment in due course of what is owing, but in exceptional circumstances it may happen that the dead man's family repudiate the deposit, and announce their intention of taking the law into their own hands and of taking reprisals. When this occurs nowadays, the police usually step in; as, however much the sheikhs of the tribe may desire to avoid reprisals or to keep the peace, they may find it impossible to control an angry family in the heat of the moment bent on avenging blood. A few days in prison usually tends to cool down the would-be avengers; the counsel of the sheikhs receives moral support, and is rendered practicable by the help of the police; and the hot-headed family themselves, after

breathing out threatenings and slaughter, consider that they have shewn to the world at large that they had insisted on revenge, and were not anxious to accept a cash payment, which would imply mercenary motives. Their *amour-propre* being thus satisfied, they give in to police pressure with a stifled sigh of relief, protesting to the last that they are compelled by force of circumstances to modify their original position.

When the family of the murdered man accepts the deposit, and agrees to waive its right to reprisals, twice the amount of the deposit paid is deducted from the total reckoning of the final assessment.

Who then pays these camels, and who benefits by their acceptance? The Arab Law concerning the payment of bloodmoney is very elastic, the object being (as always) to make peace and to avoid reprisals, rather than strict adherence to precedent. Thus occasionally it will be found in murder cases that the murderer himself pays half the bloodmoney out of his own pocket, while the remaining half is collected from such families as have agreed to pay together. In other cases the murderer pays one-quarter or one-third, the remainder in each case being collected from the other families as before. In one or two tribes all the men of the families between whom an agreement has been made pay an equal share, the murderer only paying the same as the others. Further differences are also found in various tribes, sometimes a "man" for the purposes of payment representing any youth of fifteen or over who wears a sword, and in other tribes representing married men only.

If a man were to murder his brother, the amount of bloodmoney paid would depend entirely on what was agreed upon in the family, as the murderer or his sons would be compelled to make restitution or be liable to reprisals. The father of the family if still alive might possibly induce the victim's next-of-kin to accept a reduction for the sake of peace in the family. If their father

were dead, the murderer would have to pay whatever his brother's next-of-kin demanded, or risk reprisals.

In an inter tribal bloodmoney case it is entirely immaterial whether the tribe of the murderer is domiciled in one area, or whether they are scattered all over Palestine and Syria. If they are bound by agreement to pay any bloodmoney incurred by one of their number, each man must contribute his share.

The forty-one camels paid as bloodmoney as described do not by any means represent the extent of the liabilities of the murderer and his family or tribe. It has been seen above that the original idea underlying bloodmoney was to make good the deficiency in the fighting strength of the tribe affected. But even when bloodmoney had been paid in full, the actual fighting strength remained one short, however much payment had been received, either in the form of camels or cash.

Hence there originated hundreds of years ago a custom which can still be traced in Sinai to-day. This custom provided that the murderer's wife, sister or daughter should be compelled to marry the brother or next-of-kin of the murdered man; and when she had given birth to a son, the lad was to be brought up with the tribe of the murderer until he was old enough to wear a sword (i.e. about fifteen). Then he was to return to the other tribe, and take the dead man's place in the fighting ranks of his family.

This custom, however crude, was intrinsically sound in theory, for the deficiency in the tribal strength was made up; but it was discovered to be so difficult in practice, and led to so many complications, as the Arabs feared that the girl might be ill-treated by the other family, that a lump sum was added to the bloodmoney in lieu of this curious practice. This extra sum—usually five camels in Sinai, and about £100 in the Western Desert—was called "Sanaa"; and it is noteworthy that, whereas most of the Aulad Ali claim £300 as bloodmoney, the Gawabees tribe claim £400. Although they themselves cannot explain why

a dead Gaboosi is worth £100 more than any other dead Arab, it is almost certain that the additional £100 was originally Sanaa, but that its origin has been forgotten.

The restitution in kind of a life for a life is found elsewhere in Sinai. If a fight occur and a woman be killed or die of wounds, it is interesting to note that from the Arab standpoint her loss is regarded as affecting her parents rather than her husband. Provided that she and her husband were of different tribes, her husband would only receive, as his share of the bloodmoney, the "Mahr" or marriage-money paid for his wife on marriage. Her father, on the other hand, would receive the bloodmoney, and in addition would be entitled to claim from among the murderer's family a little girl, to replace his deceased daughter. It is stipulated that this girl must be a virgin; and the dead woman's father then has the right to marry her to one of his sons. After she has given birth to a child, this girl then has the option of returning to her own people or of remaining with the family of her adoption.

Similarly, if a woman kill her girl cousin (i.e. her uncle's daughter) the father of the dead girl has the right to take the murderess and marry her to one of his sons. If he decline this option, a special schedule of bloodmoney in camels is substituted.

The question of who pays and who benefits by its acceptance depends entirely on the special arrangement agreed upon in each tribe, in some cases strangers of entirely different origin allying themselves with a tribe or family, for the purpose of paying or receiving bloodmoney. Among the Western Desert tribes, as will be seen in the following chapter, it is sometimes very difficult to ascertain among which families of a tribe such agreements to pay or receive together obtain. The same ambiguity is found to a lesser extent in Sinai; but in one particular instance this ambiguity is entirely eliminated. In the event of the family of a murdered man declining to accept bloodmoney, and announcing their intention of taking reprisals, a formal notice

is sent to the murderer's family to this effect, warning them and requesting that all persons outside the scheduled relationship to the murderer (consanguinity to the fifth forebear) may be removed. On receipt of this notice all persons outside this scale of relationship, even if bound by agreement to the rest of the family, will be removed elsewhere, after which the murderer's son, father, brother or cousin may be suddenly called upon, by day or night, to atone for blood spilt.

In some cases of obvious intentional murder the bloodmoney system loses a great deal of its point. However much the affair may be regarded as a tribal matter, affecting the welfare or fighting strength of the whole community, a personal grudge will exist between the next of kin and the murderer. In other words, the individual character of the crime eliminates or eclipses its tribal nature. In spite of the existence of all sorts of elaborate codes and schedules affecting the payment of bloodmoney, it is interesting to find cases where the individual takes matters into his own hands, irrespective of the rest of the tribe.

In the spring of 1923 a certain Arab of the Bayadieen tribe, living near Katia in the Sinai Peninsula, had an argument about some land with an Arab of the Dawahgra, a neighbouring tribe. In a free fight which ensued, the Dawaghra Arab received several small wounds, including abrasions on the eye and head; and for the moment the affair ended at that. The respective sheikhs of the two tribes, on the news of this little episode coming to their notice, ought to have called a meeting of both tribes, assessed suitable damages, and made a formal peace. For some reason or other this was not done, and the matter was allowed to continue and the ill-feeling to grow, until suddenly one night three men of the Dawaghra came over to the Bayadieen encampment intent on revenge.

Without any warning they approached the tent of the man who had beaten and insulted one of themselves. They found him in company with his small boy of twelve some

way from the tent, caught hold of him, and began to beat him with sticks. The lad, powerless to do anything, ran back to the encampment to warn his uncle, leaving his father to grapple with his three assailants until help could arrive. When the lad returned after a few minutes with his uncle and other members of the tribe, they found his father lying in a pool of blood, with both arms broken in several places near the wrists, and the aggressors fled. The boy gave a description of the three men, and scouts were despatched in all directions to arrest and bring back the three attackers. Man after man returned, having seen no one, but bringing as hostages sheep and goats which he had raided from the other tribe. Meanwhile, two days after the assault, the unfortunate victim died of his wounds, gangrene having set in.

The entire Bayadieen tribe rose up in revolt at this dastardly murder; and while arrangements were still in progress to demand satisfaction from their neighbours, a small band of Bayadieen stalwarts, headed by the dead man's brother, went out again in search of the assassins. They returned after a few hours with three men of the Dawaghra, whom they bound and trussed up with ropes. Their captives were placed in the middle of the encampment, while an enormous crowd of their tribesmen flocked out of the tents to watch further developments.

A messenger was sent to the dead man's family, asking that the boy should come and identify the murderers in the presence of the tribe, and a few moments later the family arrived, reluctantly followed by the little boy on whose testimony so much was to depend. As the lad drew near, the prisoners were forced to their feet, each man being held from either side by ropes. An expectant hush fell over the crowd. As soon as he confronted the three, his diffidence left him. He stepped forward, no longer an insignificant little Arab, but a responsible tribesman—the avenger of blood.

He looked searchingly at the first and bade them loose

him and let him go. He passed on to the second and after the same earnest scrutiny gave similar orders. But the moment he set eyes on the third he pointed an accusing finger at him, his face livid with fury, his hands twitching nervously, as though he would fain strangle him as he stood. "That's the man," he yelled.

The other two captives, now released, disappeared unceremoniously from the scene; and after the excitement had subsided, the boy's uncle called for silence. "Wilt thou swear that he is the man in very truth?" he asked; and the lad, raising his right hand aloft, took his solemn oath: "By Allah the Merciful, by Allah the Great, by the Truth of His Holy Book, and by the Life of my father, he is the man."

"If that be so, prepare to avenge thy father's death," said his uncle; and the two walked back to the tent, leaving the crowd standing expectantly in awestruck silence. Almost immediately the pair returned, the shorter figure in front carrying an enormous Arab pistol with heavy silver chasing. On arrival at the scene, the uncle bade his kinsmen stand back, and they opened out into a long line behind the boy, excepting the two men who held their prisoner with ropes from either side.

The boy raised the heavy weapon and levelled it at his victim. His uncle strode forward, and grasped the lad's wrists to support him. "Shoot!" Without further ado the boy pulled the trigger. The shot found its mark, and the murderer reeled and fell like a stone.

The suspense was now over. The dramatic hush was broken by a babel of excited voices, and the tribe began the last phase of their primitive desert justice with feverish activity. The goats and sheep which had been raided from the Dawaghra as hostages were collected and driven back to their owners; and a formal invitation was sent at once to the sheikhs of the other tribe to come to a meeting.

The sheikhs of both tribes called their sub-sheikhs and heads of families and the next-of-kin of both the dead men,

and the whole concourse subsequently assembled on neutral ground. Blood had already been paid for by blood; animals seized had already been returned head for head; and all that remained for them to do was to carry out a formal ratification of peace between the two tribes.

A scribe was produced, with his ink and paper, and a document was solemnly drawn up, containing the following provisions:

1. That the paramount sheikhs of the Bayadieen and Dawaghra tribes accepted the fact that their respective tribes were now quits, and that from that date no grounds of intertribal jealousy or feud existed.
2. That these same two sheikhs would enforce this peace, and prevent any further reprisals.
3. That any minor points remaining to be settled should be dealt with by an inter-tribal Ourfi Court.
4. That the brothers of the two deceased, representing the next-of-kin on both sides, should sign this agreement.
5. That the Government should have the right to approve this agreement, or, if considered necessary, to take any action other than this agreement, as the Governor of the Province might decide.

This document was duly signed by the two sheikhs, the heads of families, and the next-of-kin. The peace being then formally ratified, the ceremonial giving and receiving of the kiss of peace was carried out. Representatives of both tribes brought sheep and slaughtered them, and a public feast was held. Thus ended the feud between the two tribes.

CHAPTER VII

BLOODMONEY—WESTERN DESERT

Payment in Cash—Agreements to pay—Reprisals discouraged—Patricide—Detective Work—Death from Fright—Public Aversion—The twelve-year-old Bill—Informers—Ali Abu Bukr's Cistern—The Broken Rope—Found Drowned—Three Months' Hard Labour—Whose Rope?—Payment—The Old Man who fell off the Wall—The Clutches of the Police—A Well-conceived Lie—Ibrahim's Broken Leg—Ali's Cunning—The Fiasco at the Tomb—Reductions in Payment—The Dead Baby—Amateur Lawyers—The Two Shepherds and the Trespasser—Stick or Stone?—Legal Arguments—Travelling Allowance—Misappropriation—Chaos—Mirtah buys Sheep, while the Sayed buy Dates—The Clash—£300—Abdel Kerim and his Cousin—The Boys Fight—Result of pointing a Gun—Dirty Fingers—Serve him Right—The Two Married Sisters—A Gun Accident—Poor Towida—Successful Bluffing.

In the Western Desert the laws of bloodmoney differ considerably from those of Sinai, the former being of African origin and the latter of Arabian. The Western Bedouin regard the price of a man as £300, irrespective of the market price of a camel; and the value of a woman's life as normally £150, or half that of a man.

In the absence of satisfactory evidence in a case of murder, if the oath be employed to decide the issue, fifty men will swear for a man's life, and twenty-five in a case involving the life of a woman. (NOTE. In some tribes these numbers are increased to fifty-five and twenty-seven respectively.)

As regards the payment and acceptance of bloodmoney, this is almost invariably by agreement between the families, and it is often difficult for an outsider to see any rhyme or

reason in three families of one tribe paying together, while the fourth is independent. Sometimes this is caused by geographical separation, at other times by personal animosity or jealousy.

The main difference between the rules of the Western Desert and Sinai is that in the West reprisals taken at the discretion of an aggrieved individual are not recognised as lawful, and are distinctly discouraged. Generally speaking, the Western Bedou is a very much more prosperous and law-abiding person than the Sinai Arab, although at the same time he retains his charm as a primitive and independent being. Occasionally a dastardly murder takes place, but public opinion is very strong not only against the murderer personally, but against all the members of his family, who automatically share his unpopularity.

In the spring of 1920 an old man, reputed to possess considerable wealth, both in camels and sheep and also in gold buried in the ground, was returning about mid-day from market riding his donkey, and one of his numerous grown-up sons was walking on foot beside him. After going four or five miles in the open desert, the old man got off his donkey, and told his son to ride for a little way while he walked. The son suddenly attacked his old father and hit him with the heavy stick he was carrying; and the poor old man died almost at once with a broken skull. There was nobody about, and the son dragged his father's body about a hundred yards, and threw it down an old dried-up cistern; then, mounting his donkey, he rode home to dinner.

That afternoon the local sheikh was told of the old man's disappearance, and as he had seen father and son leaving the market together, he had his suspicions. He traced their footsteps, picking up the tracks of a heavily laden donkey and one man walking, from near the entrance to the market place. Then, following along carefully on these tracks, he saw where the old man had dismounted. Then he saw a spot of blood and the place where the

body had been dragged. He followed the footsteps of the son as far as the cistern, where he again saw a tiny spot of fresh blood on one of the stones. From that point donkey-tracks led straight to the son's tent.

By nightfall the son was securely lodged in the police post; and local public opinion was seething with fury, firstly at such a dastardly deed committed presumably for the sake of the old man's money, and secondly because it reflected untold discredit on the rest of the tribe. The murderer, who was a big powerful man of about thirty standing nearly six feet in height, lay in prison awaiting trial. After a few days he was admitted to hospital, where he completely collapsed and died of fright a fortnight later.

Rumours then began to spread that possibly the murderer had only acted in accordance with the wishes of his brothers, who were all conspiring to get rid of the old man, in order that they might share out his possessions. This could not be proved, and appeared unlikely from the evidence. However, public feeling against the whole family ran so high that it was feared that more horrors might follow; but although no open action was taken against the family, no opportunity was missed of having a dig at them in some way or another.

A very wealthy sheep merchant, who was a distant connection of the family, and heartily ashamed of them, brought an action for debt against one of the murderer's brothers. He produced an I.O.U. for £2 dated twelve years before and signed by the murdered man, claiming (according to custom) that the son now in court as defendant had inherited his father's liabilities together with his assets.

This sheep merchant was known personally to the writer, who was also aware that a month previously he had made a profit of £900 on a very clever bit of dealing in the West. The collection, after an interval of twelve years, of this paltry debt of £2, owing from the deceased father

of the present defendant seemed—for a really wealthy man—to be pointless and futile. The merchant anticipated this objection by hastening to add that the receipt of the actual cash did not interest him in the least; but that he had been wondering how he could shew his disapproval of the defendant's family in some way, and had gone carefully through all his old papers and receipts with this end in view, and had triumphantly discovered the bill of debt now produced in court.

Bedouin Law and custom sometimes accept right to bloodmoney in all sorts of circumstances, when other law would recognise no claim. For example, the principle is accepted that a life lost in prison must be paid for by the informers whose information resulted in the imprisonment of the deceased. It is entirely immaterial whether the information so given to the police was wilfully false or intentionally misleading, or whether it was merely subsequently found to be incorrect. Even if the information had been true and correct in every detail, the informer is still blood-guilty from the Ourfi standpoint, although in actual practice any such claims for bloodmoney would probably be considerably modified.

Other claims for bloodmoney are also recognised occasionally, in cases of obvious accidental death, or death by misadventure or Act of God, when the interpreters of Bedouin Law cannot get away from the main principle that a life lost must be paid for. The difficulty in these cases is to determine who shall pay for it; and the lawsuits usually end in a clever compromise, in which their essential principles are duly observed, but their judgments are mitigated and modified by leniency and commonsense. The following example, which occurred recently in Mariut, will illustrate this.

A certain Arab called Ali Abu Bukr had inherited from his father large cultivation rights in the desert; and in the middle of this land was an old cistern for the collection of rain water. It had not been used for years, and was silted

up with drift sand; and as it was some miles from the nearest permanent water supply, the owner of the cistern decided that it was well worth clearing out, with a view to catching and conserving the next rainfall.

Accordingly he summoned all his kinsfolk, and propounded his proposition, to which they agreed. Other Arabs occupying neighbouring rights suggested that it was a very good idea, probably with a view to a simplified water supply for themselves.

An Arab from the neighbouring tribe called Ahmed had frequently acted as shepherd and odd-job man for Ali; and it happened that, when Ali and all his kinsfolk were assembled at the cistern, Ahmed chanced to be passing. Ali hailed him, and asked him to come and lend a hand. So Ahmed joined the crowd at the well, and assisted in getting ready the ropes and other tackle to be used.

The cistern, constructed after the usual Roman pattern, was about forty feet deep, fifteen feet in diameter for the first twenty feet or so, and from there narrowed down to six or seven feet, with footholes cut in the side for the last half. One of Ali's relatives had agreed to be let down with ropes and to start cleaning out the mud and sand from the bottom. However, when the rope had been tied round his middle, and he was just going to be swung in mid-air and lowered to the ledge at half-way, his nerve suddenly failed him, and he refused to start.

Subsequent evidence was confused at this point as to exactly what happened; but it seems that one of the crowd noticed Ahmed standing with the rest, and remarked that he had had considerable experience in well digging, and suggested that he should go down. Accordingly Ahmed flung a stone down the well, and a faint splash at the bottom indicated that there were a few inches of water in it. He then organised a sort of tug-of-war among the men standing by, to test the strength of the rope. Satisfied on this point, he had the rope tied round him, and he was

lowered very slowly and carefully by the crowd at the top. Here again it is difficult to ascertain exactly what happened, as the evidence was again contradictory. Apparently, when Ahmed reached the ledge at half-way, he fumbled about in the dim light for the foot holes; and just at this psychological moment the rope broke.

The ten men holding the rope at the top collapsed one on the top of another; but when they had recovered their presence of mind, they shouted down to Ahmed, to ask if he were all right. A faint voice from the bowels of the earth replied that he had fallen heavily on a stone and had had a nasty knock, but that he would be all right in a few minutes.

They then produced a spare rope for another man to go down and get Ahmed up; but they discovered that the only one they had to hand was too short by several feet. A man was sent post-haste on a pony to get another rope from the encampment a mile or so away, and when he returned after a quarter of an hour, volunteers were quickly forthcoming to go down and retrieve Ahmed. On reaching the bottom they found that the unfortunate man, either stunned by the fall or overcome by foul air, had collapsed flat on the bottom of the well, and had been drowned in six inches of water. They hauled his body up to the surface, and Ali, terrified that he might be held in some way responsible, counselled all present to bury the dead man then and there, and to say nothing about it. However, news quickly spreads; and the same day an informer came to the police post and reported the matter, and Ali was arrested and subsequently sentenced to three months' imprisonment with labour by the present writer, for failure to notify a death under unusual circumstances. (Incidentally this did not constitute an offence under Bedouin Law, but was a contravention of the Police Code and was punished as such. Hence the apparent interference in a purely Bedouin concern.)

While Ali was still serving his sentence, Ahmed's rela-

tives lost no time in taking legal proceedings at the Ourfi court to claim bloodmoney from the owner of the cistern; and on Ali's release from prison a very long and excessively tedious lawsuit began.

The principle that a life had been lost and must be paid for was accepted without question by the court from the outset, in spite of the police enquiry, which is the local equivalent of a coroner's inquest. The enquiry had established beyond any shadow of doubt that death had been caused by misadventure, and that Ali was absolutely innocent, not only of any intent to kill, but also of any negligence whatsoever. Any other coroner's jury in the world would have returned a verdict of accidental death, expressed sympathy with the relatives, and absolved all concerned from blame; and there the matter would have ended.

Ali, who had already undergone three months in durance vile—which, to a wandering child of the desert, must be particularly galling—so far forgot any tribal instruction he might have had as to repudiate vigorously any responsibility either for the accident or for the restitution of the death in the form of bloodmoney. His family also, who would naturally have to share the payment, did their best to confound the issue by lodging a counter claim. They protested that the actual rope that broke was not theirs, but belonged to a third party, and that neighbouring tribes, who had approved of the project and who stood to benefit by the cistern when it was cleaned out, were conjointly responsible with themselves for any payment due.

The case dragged on unsatisfactorily for some months; the neighbouring tribes swore that no agreement existed whereby they should benefit by the cistern when completed; the question of the ownership of the rope was dropped; and eventually Ali and his family were ordered to pay a reduced scale of bloodmoney to the family of the deceased.

Sometimes these bloodmoney cases, so far from being dramatic or nauseating, are actually rather amusing.

The plaintiff was an Arab called Salem Ibrahim, who brought an action against a man of another family of his tribe called Ali. The plaint was as follows. Seven years ago Salem's father Ibrahim, a man then about sixty years old, was sitting on a wall near a patch of cultivation belonging to Ali, and watching Ali working on his land. Some dispute arose between them; and, angered at something that Ibrahim had said, Ali picked up a large stone and flung it at Ibrahim. The impact broke the old man's leg; the case was reported to the police; Ali was arrested and imprisoned; and Ibrahim was taken to hospital, where he shortly afterwards died. Ali was thus left in prison, and the case could not be proceeded with from the Ourfi standpoint until he came out. On his release, therefore, the case was to be brought up for settlement, and the plaintiff to claim bloodmoney for his father's death.

Meanwhile, however, plaintiff related how his own family had wanted to get the case cleared up and how Ali's family had also approached them with the idea of extracting Ali from the clutches of the police, so that the case could be tried by an Ourfi court, and a judgment which would be intelligible and acceptable to both parties could be given by their own sheikhs.

Accordingly they agreed together that the plaintiff's family should go to the police, declare that the whole case was a mistake from beginning to end, and that the old man Ibrahim had fallen off the wall, and that nobody had thrown a stone at him. A document to this effect was drawn up, signed and sealed by the notables of Ibrahim's family, and solemnly presented to the police. The evidence seemed so genuine that Ali was released from prison, with implied apologies for wrongful arrest. On his release from prison Ali saw his opportunity, and by some means obtained possession of this document signed by Ibrahim's family.

When the case first came up for trial by Ourfi court, Ali denied throwing the stone, repudiated all responsibility

in the case, and produced this document signed by Ibrahim's family to the effect that Ibrahim *fell* off the wall and broke his leg. How then could he possibly be implicated in the case?

The assessors of the court went carefully into all the evidence and eventually agreed that the matter should be decided by the oath. They demanded that Ali, backed by twenty-five men of his own tribe, chosen by Ibrahim's family as men of their word, should swear on the tomb of Sidi Shar el Ruh the following oath: "By Allah the Great and by the Truth of this Holy Sheikh, I swear that I neither threw a stone at Ibrahim, nor broke his leg." They further decreed that if Ali himself, or any one of the twenty-five men chosen to back him in his oath, failed or refused to swear as required, the case for the defence would be null and void, and that bloodmoney would be required in full from Ali's family.

On the date appointed two or three sheikhs of the court were detailed to go to the tomb, to meet the defendant with his twenty-five backers, and to supervise the taking of the oath. The parties duly arrived; but when the oath was just about to be taken, three men of Ali's backers refused to swear, declaring that on the contrary they were ready to swear, if required, that Ali *had* thrown the stone, and was responsible for Ibrahim's death. The case for the defence thus fell to the ground, and the parties were warned to appear at a future date, when the case would be completed. At the next meeting of the court, Ali's liability to pay bloodmoney was accepted in principle, but there were divergencies of opinion as to the amount to be paid. Then followed a delightful example of casuistry typical of the Bedou mind.

The assessors of the court felt that, in the first instance, Ali had never intended to kill poor old Ibrahim, and that his crime fell very far short of intentional homicide. Also, it had happened seven years before, and, all said and done, time had healed most of whatever ill-feeling there ever

had been. Besides, Ibrahim was an old man when it happened, and he would have to have died before very long in any case. Moreover, the sheikhs in their heart of hearts considerably admired the acumen displayed by Ali in getting hold of that document. So they decided privately among themselves that on the whole half the full blood-money, or £150, would meet the case. On no account, however, could they give in open court the above reasons for lessening the sum to be paid. They proceeded to listen patiently to more evidence, and eventually gave their considered judgment as follows:

"Defendant Ali is required to pay the full bloodmoney of £300. *But* in view of the fact that, when the police came to Ali's tent to arrest him seven years ago, in the excitement and commotion caused by the police patrol, Ali's wife gave birth to a premature boy child, and that this boy subsequently died, therefore the sum of £100 will be deducted from the total to be paid, for the sake of the dead baby. Also, as it cannot be proved conclusively that Ibrahim died simply and solely as the result of the stone thrown at his leg, and as it may be conceivably possible that other external causes contributed to his death, for this reason, therefore, another sum of £50 will be deducted. Hence the amount to be paid is £150, of which £50 must be paid after this coming barley harvest, with a similar sum after the two following harvests."

Amateur lawyers are not popular, and more often than not darken counsel without understanding.

An Arab called Salem had some land, and he employed two men of the Hawita tribe as shepherds and harvesters. One of these men was from the Nefoofa family of the Hawita, and the other was from a family called the Magai. These two shepherds worked peacefully together, and their respective families were friendly, until one day an Arab of the Gottaan tribe called Yadam Saadi drove his flocks and his animals on to Salem's land, and began to pitch his tents. These two shepherds saw this going on from afar, and

came up to drive him and his animals away. Yadam refused to move, and threatened violence if they attempted to eject him forcibly. So the two shepherds, who were responsible to their employer for the land, went for him simultaneously—the Nefoofa shepherd with a thick stick, which he brought down with all his force on Yadam's head, and the Magai with a large stone, which he hurled as hard as he could, and which caught Yadam in the chest over the heart. Yadam received both these blows simultaneously, collapsed on to the ground in a crumpled heap, and died soon afterwards.

Yadam's family then brought an action against the Nefoofa and Magai families conjointly, claiming bloodmoney. The Nefoofa produced an amateur barrister of their own family called Abd el Gelil, who proved (entirely to his own satisfaction) that many minor assaults were continually taking place, when people were hit on the head without death following immediately as the result of the blow. He therefore contended that it must have been the blow from the stone thrown by the Magai which had really killed him. The Magai adopted a similar line of argument, and the case remained at a standstill for nearly two years.

Eventually the court effected a compromise, and awarded the bloodmoney, to be paid equally by the Nefoofa and the Magai in three yearly instalments of £50 each. The Magai paid up their £50, and the Nefoofa barrister—a particularly bumptious individual from the Nile Valley—lodged a protest against the decision, claiming that the court was not properly constituted and was not competent, that the sheikhs were biassed, and a hundred and one reasons why the Nefoofa should not contribute their share.

He was eventually made to understand that the Nefoofa would have to pay, and that if there were any more trouble from him, his own property would be seized as part-payment. Accordingly Abd el Gelil travelled round the Nefoofa encampments, ostensibly to collect sums due from

the different families. A year later the Gottaan brought up the case again, acknowledging the receipt of £50 from the Magai, but protesting that they had still not received anything from the Nefoofa. On an enquiry being held, a representative collection of infuriated members of the Nefoofa family came to court, protesting that Abd el Gelil had already collected their payments, and that if he had not handed over the money, their responsibility at any rate had ended for the moment.

It subsequently transpired, when Abd el Gelil was with difficulty got hold of and brought to court, that he had collected about £50, but claimed this sum as his own personal travelling expenses for collection. Then followed another lawsuit, in which the Nefoofa family sued their self-appointed lawyer for mis-appropriation of tribal funds. The details of this new case, and those of the original suit, were then re-capitulated and muddled up together, to the complete bewilderment of the writer and the entire satisfaction of the Bedouin assessors.

Mention has been made of the extra £100 (£400 instead of £300) usually paid among the Gawabees tribe as the price of a life. It seems, however, as though there are exceptions to this rule; and the following case seems to shew that the payment of "Sanaa" depends on a variety of circumstances.

A family called Sirdani had had a bloodfeud with another family of the Gawabees called Sayed, one of the former having killed one of the latter some fifty years ago. The two families had been living in totally different districts, and for years had not come into contact with each other, and so the feud had been allowed to continue.

In the spring of 1921 a man of the first family, about forty-five years old, called Mirtah el Sirdani, left the Wadi Natrun for the Nile Valley to buy some sheep from the Fellaheen, taking with him his old mother and a small boy, to help him bring them back across the desert to the luscious grazing in the wadi swamps. He arrived at the

Cultivation, bought his sheep, and started off westwards to the wadi.

By a sheer coincidence, four men of the other family had left their camping ground a fortnight before, and had gone south on their yearly pilgrimage to Baharia Oasis to bring back dates. On leaving the oasis, they had later arrived at the wadi, watered their camels, and pushed on northwards to their camping ground. About one and a half days' trek north of the wadi, about half an hour before sunset, they saw in the distance a cloud of dust advancing towards them, out of which gradually emerged a flock of sheep, an old woman, a man, and a small boy.

According to the subsequent evidence of the mother, her son Mirtah drove his sheep unconcernedly, not noticing with the rays of the setting sun in his eyes who was with the approaching camels. When they drew near he called out the usual greeting, "Peace be upon you"; but instead of the stereotyped reply, two of the camelmen suddenly leapt from their camels with heavy sticks in their hands, and rushed at Mirtah. The old mother and the small boy began to run away, while the frightened sheep scattered in all directions. Mirtah was entirely unprepared for any assault, and before he realised what was happening, he had received two thundering blows on his skull from the two men, who immediately afterwards remounted, and rode away.

Mirtah fell stunned; and as soon as his assailants had gone, his mother and the boy ran to his assistance. After a few minutes Mirtah staggered to his feet in a dazed sort of way, cursed his aggressors, whom he had recognised as belonging to the Sayed family, and said that he would be able to continue slowly. He managed with the help of his mother and the boy to cover two or three miles, but was overcome by pain and loss of blood, and again collapsed. His mother with the sheep remained by his side, and sent off the boy to the Wadi to get assistance to bring him in. Fortunately, after running a few miles, the boy came across some

members of a neutral family with grazing camels, and with their help Mirtah was fetched in to the Wadi unconscious.

The case was reported to the police, but a few hours after his arrival in the Wadi Mirtah quietly died. The post-mortem examination revealed a skull cracked right across, with severe cerebral haemorrhage. In due course the Sirdani family claimed £400 bloodmoney from the Sayed family, according to the custom among the Gawabees tribe. This time, however, an exception was made. The sheikhs decided that the ordinary bloodmoney of £300 only should be paid by the Sayed to the Sirdani family, £100 in money and £200 in kind, divided into six yearly instalments of £50 each.

They also added a rider to the effect that they were not awarding Sanaa under the circumstances, as there was no proof of intent to kill, and that weapons such as guns or knives (which would imply premeditation) were not used. The presumption was that the Sayed family, though obviously intending to cause grievous bodily harm, did not intend to kill Mirtah. The fact that he died of his wounds automatically warranted the award of £300 as bloodmoney, but did not constitute sufficient justification for the imposition of the extra £100 as Sanaa.

In Common Law it is not always easy for the uninitiated to understand the legal value of a threat, or what proportion of the punishment for the completed action is due for a mere threat. It was singularly pleasing, therefore, to find a striking instance of a threat to shoot, and to see the attitude of the Bedouin court towards this particular offence.

An Arab called Abd el Kerim was tolerably well-to-do, and owned several camels, a mare, fair-sized flocks of sheep and goats, and certain cultivation rights; and he had two sons aged about sixteen and eighteen respectively. His cousin, Abd el Salam, who lived half a mile away, had four sons of ages ranging from fifteen to twenty, but he was considerably poorer in this world's goods. Abd el Kerim's sons took their camels out to graze, and inadvertently

wandered over the boundary of Abd el Salam's grazing rights. The juvenile members of Abd el Salam's family came out from their tents in a body, to drive off their intruding second cousins with their camels. An altercation ensued, and the excitement grew; and eventually a pitched battle with sticks and stones began among the lads.

One of Abd el Kerim's sons, leaving his brother to hold on for a moment, ran back the half mile to call his father, who returned with him to the scene of the fight carrying his gun. On arrival at the camels, Abd el Salam's sons set on him in a body. Abd el Kerim pointed his gun at one of them and took aim; whereupon one of the other family from behind laid him low with a blow on the top of his head, sufficient to fell an ox.

Abd el Kerim was carried back to his tent, where the writer witnessed the horrible sight of sympathetic but homicidal relatives pawing his open wound with their filthy fingers. A large hole had been knocked in the side of his head, and portions of brain were visible. After some months of surgical treatment Abd el Kerim came out of hospital; and, as the blow was reported to have affected his reason, a case was brought on his behalf by some of his relatives, claiming damages from the family of Abd el Salam. However, before the case was fully completed, Abd el Kerim was taken ill, was re-admitted to hospital, and died. The case therefore became one of bloodmoney, and was dealt with in the usual way.

The interesting point about the case, however, lies in the decision of the court, when the first claim for damages was brought up. A very strong line was adopted by the sheikhs, and in the opinion of the court the wounds received by Abd el Kerim were only what he might reasonably expect. They maintained that, after the way in which he had behaved, he was lucky to have got off as lightly as he did. The sheikhs protested that he ought never to have gone out from his tent, and mixed himself up in a fight between a lot of boys. If he had any authority at all, he

should have called a meeting with Abd el Salam, discussed the position sensibly with him, and then the two of them should have beaten all the boys soundly. Secondly, he ought never to have taken his gun with him, which was as stupid as it was dangerous. The fact that Abd el Kerim himself knew that it was not loaded made not the slightest difference to the case, as the boys did not, and could not, know whether it was loaded or not. As one of the sheikhs expressed it, "If you point a gun at me, loaded or unloaded, I'm not going to risk it. So if I retaliate by braining you, then that's your fault—not mine!"

As compared with some of the customs obtaining among the Sinai Arabs, the following case among the Aulad Ali in the Western Desert is illuminating, and will be quoted in full. The question of who is "chief mourner" of the deceased, and who draws the largest share in a bloodmoney case varies considerably between the tribes of Arab and Berber origin. Among the Aulad Ali a woman killed is automatically half the value of a man, whereas among the Arabs the value of a woman depends on a variety of conditions.

A man called Idris had two daughters, Towida and Beida. Beida married a man called Korayem Shushan of the Gereidat tribe, and Towida married Farag Gueida of the Mowalik tribe. A son had been born to Towida and Farag called Lataif Farag; and when Lataif was about four years old, his parents quarrelled about some trifling matter, and Farag divorced Towida. Two months after this, Towida went to spend a day or two with her sister Beida and Korayem, and it was while sitting alone in their tent that the accident happened which was the cause of this lawsuit. It seems that Korayem had left a loaded gun tied up with cord to the roof of the tent, suspended from the poles. While Towida was sitting there, a sudden gust of wind got up, and shook the tent violently. As the tent rocked in the wind, the gun came tumbling down on to a wooden chest between the poles; the impact fired the

charge, which hit Towida at a range of only a few feet, with fatal results.

Farag, who had divorced her two months before, brought a claim for bloodmoney from Korayem; but when the case was heard, Korayem denied that the accident had happened in his tent. The assessors of this first court, which was held soon after the accident, demanded that Korayem should swear, backed by twenty-five men (i.e. half the full number of fifty, as Towida was a woman), that the accident did not take place in his tent. Then followed an example of one of the very unsatisfactory points in Bedouin Law.

Korayem, who was a powerful man belonging to the Gereidat, who were in turn a powerful family, managed to persuade the court to cancel their judgment requiring the oath from himself and his twenty-five backers, and to agree to a settlement whereby he should pay £10 and be absolved from the necessity of taking the oath. The court accepted this agreement, and proceeded to examine the claims to the bloodmoney.

The Moslem Law of Divorce provides that when a man divorces his wife, the decree does not become absolute for three months, in order that it may be ascertained whether the woman be pregnant by her lately divorced husband. Towida had only been divorced two months before the accident; so the question had to be decided whether Farag were legally her husband or not at the time of her death, for purposes of receiving a share of the bloodmoney. If so, he should receive one quarter; but there seems to have been some difference of opinion on this point among the assessors of the court, and the whole matter was shelved.

Seventeen years afterwards, Lataif Farag—then a man of twenty-one—re-opened the case, claiming his mother's bloodmoney. In support of his claim he produced three witnesses. The first was Farag himself, who was prepared to swear that he had seen Towida lying dead in the tent of Korayem. The second was Towida's brother, who was

prepared to swear that he had been called in; and had seen his sister dying in a pool of blood in Korayem's tent. The third was a stranger who had been passing at the time of the accident, had heard the shot, had gone into Korayem's tent, and had seen Towida lying on the floor in a dying condition. The newly-constituted court probed this evidence, without actually demanding the oath from these three witnesses, and arrived at the following conclusions:

1. That the facts of the case were common knowledge, and were as Lataif claimed.
2. That Korayem never really intended to swear that the accident did *not* happen in his tent, but had succeeded in bluffing the previous Court. This was made possible by the fact that Korayem's family were strong, and Farag's were weak.
3. That half the price of a man—i.e. £150—should be the bloodmoney in this case, provided that Farag could produce satisfactory evidence on oath that:
   (*a*) the gun belonged to Korayem,
   (*b*) the accident took place in Korayem's tent.
4. In the event of these conditions being met, Lataif Farag should receive five-sixths of the £150; and, provided that they swore the above oath backed by four others, Towida's father and mother (if alive) should receive the remaining one-sixth.

Generally speaking, this judgment appeals to an outside observer as eminently sensible and just; and if only the matter had been left at that, and the judgment had been enforced, all would have been well. Unfortunately, however, various influences again crept in to interfere with the decision of this second court. The accident had then happened about eighteen years before; the first court had been bluffed by Korayem; after an interval of seventeen years the second court gave their very reasonable judgment; and then for some reason unexplained the case was again shelved, and the judgment not executed. For the third

time the case was re-opened, after a further interval of some years since the second judgment. By this time nearly all the assessors and witnesses of the first Court were dead, rumours had been spread that the gun belonged to a stranger who had left his gun in Korayem's tent, and should therefore pay his share of the bloodmoney, and so on.

The Gereidat family again succeeded in confusing the case, and in prejudicing the issue in their favour; and the third court gave the following decision, to the disgust of interested followers of this rather remarkable lawsuit. They decided that no evidence existed to shew what happened in Korayem's tent, and that no oath was necessary, maintaining that in the absence of any proof whatsoever Farag had no claim. They further ordered a new distribution of the reduced scale of bloodmoney proposed, whereupon the proceedings became completely involved and absolutely unintelligible.

The above events point out unmistakably the weak spots in the Ourfi system. Korayem's family were strong, and on two occasions were successful in evading just decisions against them; while the weak family with a strong case had to see justice perverted.

When the considered judgment of an Ourfi Court receives authority for prompt and immediate execution from the Government and the police, the Ourfi system is probably the nearest possible approach to the ideal, consistent with the conditions prevailing. But it is an undeniable fact, which must be faced, that without the moral backing of the Civil Power behind the judgments of the Bedouin Courts, miscarriages of justice are possible, and do actually take place.

CHAPTER VIII

DEBTS

Bills and Receipts—How kept—Animals—Intimate Knowledge—Barley Harvest—The Camel Boom—£30,000—Family Documents—Official Debts and Unofficial Gifts.

CASES of debt are frequently coming up for hearing before the Bedouin Courts; but it is astonishing that under the existing circumstances they are not more numerous than they are.

As has been mentioned elsewhere, most of the Bedouin are totally illiterate, and those who are capable of making out an I.O.U. or compiling a simple agreement can usually only do so very slowly. Naturally there are some exceptions, but as a rule the written bill and receipt present certain difficulties.

Even when a bill or receipt has been made out, its safe custody gives rise to further problems, as the only secure place in which papers can be kept is the leather bag containing money, charms, and other valuables.

When a creditor brings a case of debt to the Court, and is asked for a bill or receipt to substantiate his claim, he will often produce fifty pieces of paper, all very old, dirty, torn, and folded, before he eventually locates the right one. The reading and sorting out of these documents by many impatient hands on these occasions do not tend to preserve their condition, with the result that, when one of them is required a year later in connection with another case, it is quite likely to be illegible.

Speaking generally, in most cases some person who can read and write is found to make out the receipted bill, as (especially in the case of animals sold) it is imperative that their new owner shall be able to prove his bona-fide

ownership. The animals are probably marked or branded with the late owner's "Wasm" or tribal mark, and unless the new owner is in possession of a proper deed of sale signed by the other man, he may be stopped by the police or by members of the previous owner's tribe, and asked to account for his possession of the animals.

If a man buys animals and forage from another, as likely as not the written bill will omit all mention of the forage, but a verbal agreement will be arrived at for payment to be made in a specified time. If the debtor fail to pay within this period, or within such further extension as may be agreed upon between the parties, the creditor will bring the case to court, claiming so much for animals as per receipts and so much for forage without receipts.

If the defendant query the latter item, the question will be decided by witnesses (if any), and in the Western Desert in the absence of witnesses the oath would be employed, the Right to Swear being given to plaintiff or defendant as the Court may decide, based on their personal knowledge of the litigants and other circumstances.

When a plaintiff claims for a debt, and admits that he has lost the receipt, in the absence of other evidence the Court would almost invariably give the Right to Swear to defendant, to clear himself from liability in the case.

In most of these disputes, the sheikhs forming the Court make it their business to find out all available details before hearing the plaint, and the importance of this intimate knowledge of the facts will be seen from the following case. A certain Abd el Rawaf claimed a debt of £8 from Momen Suleiman, and stated that Momen had accepted liability, and had promised to pay several months ago, but had failed to do so. Momen admitted that he had incurred the debt, but protested that he had already paid the sum in full, although he regretted that he was unable to produce a signed receipt, since neither Abd el Rawaf nor himself could write. This excuse might conceivably have been

passed by the Court, had not one of the sheikhs stood up at this juncture to address them.

He informed the Court that he had taken much trouble to enquire into this particular case, and had ascertained that Momen not only could write and read, but that he was in the habit of making out receipts for other merchants, and had omitted to do so in his own case. The Court therefore gave the Right to Swear to Abd el Rawaf, and Momen was made to pay up the £8 in court.

In the Western Desert, leaving out of account the camel and sheep merchants who act as intermediaries between the desert Bedouin and the Fellaheen in the Nile Valley, and who frequently make good profits all through the year, the ordinary Bedou has only one financial asset, in the shape of his annual barley crop sown in the winter rainfall. If the rainfall be good, and his crops thrive, he may have a few pounds to invest or let out on loan, after he has provided himself with a new blanket, and his wife or wives and children with the clothes they require.

So after a good harvest most of the Bedouin seem to have money to spend or to settle various debts. But at any other time the average Bedou possesses nothing in the world except the clothes he stands up in, the tent he lives in, and his livestock grazing in the open desert.

His usual procedure at harvest time is to exchange some of his barley for maize, which his women folk grind into flour for bread when required, and some of it for dried dates. As to the remainder, the next year's seed will be carefully put away (probably buried in a hole in the ground lined with straw and covered with air-tight clay) and a year's supply of forage for his animals will also be put on one side. Any surplus, over and above these requirements, he can sell in the market.

All this is assuming that he has a crop at all; but since a really good crop does not happen more than once in five or six years, since the seed sown may be a total loss for three years owing to lack of rain, and since for another

two years he may only just manage to get back what he has sown, the unfortunate Bedou can only struggle on in hope year after year, praying for a good rainfall.

After three consecutive bad years hardly a single Bedou has any money at all, and consequently, when debts of large amounts are claimed and proved before the Court, the sheikhs usually arrange a system of easy payments which the creditor is bound to accept. When however a local Bedou has incurred debts from a stranger or from another Bedou from a long distance away, pressure is brought to make him pay in the required time, so as not to delay the return of the creditor to his own area, even though the payment of the debt before the Court may involve incurring other debts from among the debtor's own people.

During the Great War hundreds of camels were bought up by the British army in Egypt for transport purposes, with the usual result that the price of camels rose considerably. Then in 1920 a regular boom set in, and the Bedouin merchants found greedy buyers in the Nile Valley who were offering fantastic prices for camels in any shape or form.

The pre-war price for an ordinary baggage camel in the Western Desert was from £8 to £10; and an exceptional bull camel would never have fetched more than about £15. During this boom, however, the average camel was sold for prices ranging from £40 to £50, and an old worn out bag-of-bones, for which the butcher might have offered £3 in pre-war days, was sold for £20. The writer, during this boom, saw a bull camel—certainly a fine beast in magnificent condition—change hands at ninety-one guineas.

The bubble burst on the market with its usual suddenness. Merchants had hurried west into Tripoli, to buy up camels at any price and rush them through into Egypt while the boom lasted; and the story of three particular men is typical of many others. These three merchants, having acquired some 250 camels between them, at an

average purchase price of £40 per head in Tripoli, (hoping to realise at least £60 per head on their sale), started back to drive their stock eastwards for the Egyptian markets.

Half way to the Egyptian frontier at Sollum they heard the news that the market was cracking, and after pushing on day and night at the expense of their animals' condition, arrived at the frontier at Sollum half-an-hour after the news of the bursting of the boom. The Sollum market was full of camels with no buyers; so these three merchants pushed on again, hoping to be able to off-load their stock at the Matruh market at any price. They covered the 130 miles odd to Matruh in three days, and found that they were one day late and the market stagnant.

As a last hope they pushed on again a similar distance to the big market at Hammam, where they found camels similar to theirs being sold at £20 to get rid of them before the price dropped still lower. Then they had to face the problem of their own flutter on the market. They had 250 camels on their hands, at an average purchasing price of £40 (= £10,000) to be paid for when they sold the camels at an average of £50 or £60.

Meanwhile they had trekked some 450 miles against time, and in their present condition the camels would not fetch more than £18 or £20 at the most. Even if they succeeded in selling them all for that sum, it would involve a loss of some £800, but if they waited, the market price might drop still lower.

As a matter of fact the option was never given to them; for, with the arrival of their 250 camels in an already nervous and broken market, buying ceased altogether, and a financial panic set in.

In this sort of way many a moderately prosperous Bedou camel merchant was made bankrupt, and when the financial bubble burst, big losses were the rule rather than the exception. One particular merchant known to the writer always gave and insisted on getting cash down on

all his transactions. He was exceptionally shrewd, and was fore-seeing enough to anticipate the break in the market just before it came, and to stop buying. He sold all the camels he had with good profits, having had hundreds passing through his very able hands; and when the bubble burst, it was reported that he had made £30,000. Incidentally, this man is entirely illiterate, and keeps all his savings in notes and gold on his person or invested in livestock and land. He has but the haziest idea of what a bank is or does, and his mode of life is exactly similar in every detail to those of his less prosperous brothers.

It may well be imagined that this boom with such a tragic ending resulted in labyrinthine complications of debts; but such is the wonderful sanity of the Bedou that comparatively few of these cases were ever brought to Court. It was universally agreed that as everyone had made large profits during the boom, so in the consequent slump had everyone incurred large losses and debts. Most of the deals having been paper transactions and even hurried agreements by word of mouth, every creditor would have to give his debtors time to collect debts between them, so that each one might pay off a percentage of what he owed. So by mutual consent smaller debts were collected and paid off first; and if a man were faced with a debt of £300 which he could not possibly pay, it was quite a frequent occurrence for the creditor to agree to share the loss, and ask his debtor to pay £50 a year for the next three years after the harvest, while the remainder was wiped off the slate.

In other cases, where the debtor had carelessness or negligence proved against him, the Court might foreclose on his land or property, and hand it over to the creditor as part-payment.

It frequently happens that an old man dies leaving a family in comparatively straitened circumstances, and on his death the sons go through the old man's documents and papers, and discover debts due to him still unpaid, possibly dating from twenty years back.

If the sons be in financial difficulties, and especially if the debtor or debtors be of a family or tribe with whom some feud exists, they will often bring a case for debt to the Ourfi Court, based on these papers.

An Arab called Hiteita, a man of about forty years of age, when going through his recently deceased father's papers, discovered an I.O.U. for £10 made out, sixteen years before, in the name of a certain Ali Mohamed. He made exhaustive enquiries as to the debtor's whereabouts, and after nine months learned to his satisfaction that Ali Mohamed had just arrived from the west with a large herd of camels to sell.

Hiteita brought the case to Court and produced the document, which resulted in a noisy storm of protest from Ali. The defendant admitted the debt, but expostulated that it was unfair of Hitieta to press the case. He explained that, twenty years before, Hiteita's father and he were very good friends; and when the former had a run of bad luck, he had given him £1, an ardeb of barley for his horse as forage, as well as a new saddle, and a burnous (large cloak covering horse and rider).

Ali explained that later on he himself was in financial difficulties, and Hiteita's father, whose luck had turned, lent him this £10; but as they were friends, and helped each other in time of need, no notice was taken of these loans, although receipts were sometimes made out in the usual way. Hiteita protested that he had no knowledge of any such agreements of twenty years ago, and claimed that his I.O.U. stood.

The Court deliberated for a considerable time over the issue, which was rendered more difficult owing to Ali being a Western Bedou and not known personally to the sheikhs of the Court. The sheikhs, however, although secretly considering that by Bedouin Law in theory Hiteita was entitled to the payment in full, regarded this debt of sixteen years' standing as being considerably modified by time and circumstances. They also trusted their insight

into human nature, and decided that Ali was telling the truth; then, assessing the gifts to Hiteita's father at £5, they ordered Ali to pay the remaining £5 at once. This decision is of course theoretically contrary to custom; but it will be agreed that it constitutes a workable compromise, once the theoretical principle is established that time cannot affect the amount of a claim.

CHAPTER IX

LAND DISPUTES

Tribal Areas—Gawabees' Tents—*Modus vivendi*—Boundaries—Language of Cairns—Koranic Law and Bedouin Custom—Government Land—Land Boom—God sent me a Fool—Beach-gardens—Quail—Arab and Town-dweller—Unsatisfactory Evidence—Water Rights—Pre-emption.

GENERALLY speaking, and considering the almost entire absence of permanent boundaries in most cases, there are very few disputes among the Bedouin concerned with land or landed property.

The tribal areas, grazing rights, and cultivation rights are usually universally known and respected, while the subdivisions of land, within the tribal area, of the different families and individuals are generally equally recognised.

The reasons for the comparative paucity of land disputes are many and various, but by no means the least important is the wonderful *modus vivendi* existing among all desert-dwelling peoples. They all realise that desert life is a struggle against circumstances of distance, lack of water, scarcity of grazing for their flocks, as well as exposure to heat, cold, wind and rain for themselves; and there is usually found innate among them the feeling that unless each other's boundaries, livestock, or women-folk are universally considered sacred and inviolate, life in the desert would be a very much harder thing than it is now, if not actually impossible.

The free and easy way in which the Gawabees tribe near the Wadi Natrun pack up their summer tents and leave them *in situ*, while they themselves trek off with their winter tents into the open desert for the winter grazing, is indicative of this code of honesty prevailing

among them. Also the death penalty meted out to any Bedou convicted of rape in the desert shews the trend of public opinion in this matter, as they feel that their womenfolk must be free to graze their flocks or fetch water from the well unmolested.

Bedouin boundaries are apt to be more curious than apparent to the uninitiated eye, as they are frequently almost imperceptible. In a large tableland of several square miles, apparently undivided, there may be hundreds of different cultivation rights belonging to different individuals and families, all known by their owners and neighbours. These scarcely perceptible boundaries are sometimes marked by planting desert plants such as asphodel along the boundary, and these bulbs come up and shew green before ploughing is done in the autumn for the winter crop of barley.

In some places narrow strips about one metre wide are left unploughed between the various properties, and desert scrub and weeds remain permanently as a visible boundary.

In other places, where stone is common, the loose stones are collected from the cultivation, and thrown on to the boundary between the patches of barley, sometimes being left in long heaps, and sometimes neatly collected in the form of cairns.

In the Western Desert there is a very definite "language of cairns," known and understood by the Bedouin. Thus a cairn of a particular size and shape means "Turn off to the east here, and you will find good water"; while another signifies the presence of grazing, brackish water, and so on. On one of the caravan routes running from Siwa northwards is a small cairn of peculiar shape, and any Bedou passing it roars with laughter at some subtle joke told in the language of cairns. Several Englishmen have tried to master this language, particularly with a view to sharing the joke on the Siwa road; but whether the jibe is too subtle for a mere Westerner, or whether the story connected with it is considered by the Bedou to be better untold, cannot be ascertained. The fact remains that no

one seems adequately to have explored this very interesting field of study.

Another reason for the comparatively rare occurrence of land disputes is the cut-and-dried, definite Mohamedan Law of Inheritance, which lays down clearly and explicitly exactly how property (including landed property) is to be left on the death of its owner. It must be frankly admitted that there are points of difference between the Mohammedan law of inheritance and the tribal custom and usage adopted in some cases among some tribes, but the general principles of the Islamic law hold good universally.

This same law also deals with dowries, marriages and divorce, but it is not proposed to treat of these subjects here.

Land out in the desert, whether comprising grazing rights or cultivation rights, is officially regarded as State Domains or Government Land. The process whereby a family or an individual many years ago staked a claim on a certain piece of land, and handed it down to their descendants who still claim rights over it, is known as "Wada' al yed" or the "laying of the hand" over it. Technically the land was not in the first instance the property of the man or family who first "jumped" the claim, and the successive generations have only enjoyed the benefit of it on sufferance. Hence the Government, maintaining this view, claims the real ownership, while admitting the claim of the existing occupiers to Prior Rights of Cultivation or Grazing.

Unfortunately a certain amount of confusion has occurred, owing to persons, entitled to prior right of cultivation only, thinking that they held the freehold occupation, and under this misapprehension (either in ignorance, or with intent to defraud) selling the actual land itself instead of merely their rights to cultivate it.

Many instances of this occurred in Egypt during the land boom some twenty years ago, particularly in the desert land within easy access of the Nile Valley. It was believed that large quantities of Nile water, which at that

time poured out wastefully into the sea, would shortly be conserved by dams and other engineering feats, enabling enormous tracts of lands—at present arid desert—to be reclaimed and regularly cultivated. If this had been the case, the desert land lying on the fringe of the existing cultivation would naturally have enhanced in value to a considerable extent; and all sorts and conditions of men rushed madly to buy up desert land from its Bedouin occupiers.

In most cases the Bedou was only too glad to sell the entire desert to any foreigner prepared to pay fancy prices for it, quite irrespective of such questions as to whom the land belonged. This state of affairs lasted for some time, while Greeks, Italians, French, Egyptians, Cyprians, Maltese and Englishmen poured out of the Cultivation with money in their pockets, and bought up utterly useless land for absurd prices.

The Egyptian Government suddenly woke up to what was happening, and descended like an avalanche on these new purchasers.

Almost anyone who could not prove that the land he had bought was originally in the power of its previous occupier to sell was turned out neck and crop, and in most cases the wily Bedou quietly slipped back to the land, and cultivated it just as though nothing had happened.

One of these foreigners, who had bought land from a wealthy sheikh known personally to the writer, raised a case against the sheikh in the Mixed Courts for wrongful sale. He lost his case, as he had not taken the trouble to ascertain to whom the land belonged before buying it; but while the case was being heard, enquiry was made as to the boundaries of this particular plot.

It ultimately transpired that most of the land lay in the bottom of a salt lake, and that such of it as was not actually under water consisted of a few acres of salt bog and bitter rushes.

The sheikh pointed out the boundaries; and, jingling the money in his pockets, said, "I don't know who was

supposed to own it, but when this Greek gentleman offered me £50 for it, I thought I should be a fool not to take it."

This little episode is reminiscent of two brothers in Cairo, one of whom was an old resident in the country, and the other only a casual visitor. The latter strolled round the Muski in Cairo, and purchased an Oriental rug for £10, which he carried home in triumph to shew to his brother. The other brother, who had recently bought an exactly similar rug from the same merchant for £2, was furious at this imposition on his brother's ignorance, and started off then and there to have it out with the merchant.

On his arrival at the shop, the merchant shrugged his shoulders, spat on the ground, and said, "Allah sent me a fool—who am I to refuse the gifts of Allah?"

In other cases, even where the Bedou occupier of land under the "Wada' al yed" system does not sell the land, the Government reserves the right to dispossess him of his cultivation or grazing rights in the event of his being continually troublesome or a menace to public security.

Along the Coastal Zone in Sinai a most difficult position has arisen with regard to the land along the foreshore from Port Said to the frontier at Rafa. To begin with, there are numerous claimants of garden land in the sand dunes, often within a few feet of the sea. This sounds preposterous to anybody used to the foreshore elsewhere; but the Sinai coast is noted for its sweet fresh water in the sand along by the sea, and usually the nearer the sea the sweeter the water.

Consequently cultivators dig out the sand into trenches and grow melons, vegetables, tomatoes and so on, irrigating their cultivation by a water wheel working on this sweet water at a depth of a metre or so.

As this practice has been going on for a very long time, all sorts of rights of cultivation are claimed, frequently without very much apparent justification.

At the same time there also exist quail-netting rights.

Every year, in the two migration seasons of spring and late summer, thousands of quail fly over Egypt, and the majority of them seem to cross the Sinai coast on the Mediterranean. Hence has arisen an important industry of quail-netting, which is practised almost the whole way along the coast.

A large proportion of the quail sold for fancy prices in London restaurants, in the Boulevards of Paris, and in other Continental towns, first fall into captivity along the shores of Sinai, whence they are sent by camel and rail to Port Said, and by sea to most of the countries in Europe.

The intricacies of law suits, in which one family claims to own a few hundred yards of undulating sand dunes as "garden land" and another family claims to possess quail-netting rights over the same land—neither of whom are prepared to give up one yard of their claim, and each side calling evidence of ownership as unsatisfactory as the other—can be easier imagined than described.

These cases are bad enough even if the opposing claimants are both Bedouin, when the diplomacy and tact of the Bedou Sheikh, supported by Ourfi custom, can as a rule eventually evolve some exit from the impasse; but when the garden claimant is a town-dweller from a place like El Arish, and the would-be quail-netter is a "wild and woolly Arab," the case almost invariably arrives at a sort of stalemate. The Bedou claimant summons all the other Arabs, while his opposer invokes the sympathy of all his town-dwelling neighbours; and from this point the case becomes a party cry, when the original issues at stake are probably forgotten in the party strife between the desert Arabs and the town-dwellers.

Feeling runs high; and if a stranger were to see signs of the beginning of an enormous free fight, just waiting to break out, and were told the reason, he would not think it conceivably possible that all this ill-will could be caused by a dispute about a few yards of useless-looking sand dunes down by the foreshore.

SUMMER TENTS—SINAI

The evidence in these cases is usually somewhat as follows. The garden claimant produces a piece of paper dated twenty-five years ago, in which a certain Ahmed Mohamed bequeaths to his four sons Hassan, Khalil, Abbass, and Mahmoud the garden land situated between El Arish and Rafa on the sea shore. The boundaries of this plot are then given—a frontage of 600 yards along the sea; to the north the sea; to the south sand dunes; to the east sand dunes; and to the west sand dunes, adjacent to the property of Mustafa Abd el Kerim.

Considering that the coastline from El Arish to Rafa is from 30 to 40 miles long, and that the belt of sand dunes runs all the way along the coast (being two or three miles wide at the narrowest point), and that the boundaries of the property of Mustafa Abd el Kerim are just as nebulous as the above—"adjacent to the property of Ahmed Mohamed"—it will be understood that King Solomon himself would have his powers of arbitration taxed to breaking point to give an acceptable decision based on justice in these cases.

The Bedou quail-netter then produces a collection of ruffianly looking Arabs, who have apparently arrived prepared to swear anything that will decide the case in favour of their friend; but as the town-dweller never really understands Bedouin Law or customs, and does not know personally the prospective swearers, nor the relative value of their oath in a Bedouin Court, the chances are that neither party will accept the other's evidence, or listen or keep sufficiently quiet to enable the case to proceed. The noise and disturbance that follow can scarcely be imagined without actual experience.

In the Western Desert there are great differences between land disputes brought into Court in the western half (between Dabaa or Matruh and Sollum) and the eastern half towards Mariut. The western population is very much more tribal in every way; land is owned and recognised as tribal areas, and the wells and cisterns (which are not very

numerous) are almost exclusively owned and protected by the tribes.

In the eastern part along the Coastal Zone the position is very different. To begin with, the close proximity to the Nile Valley has resulted in a mixture of people of all sorts of tribes. Odd families or individuals of different western tribes have settled in particular spots and cultivated the same ground year after year, just as the Fellah cultivates his acre or two, and this mixing of population has resulted in varying degrees in loss of tribalism.

Then too a thousand years ago the Romans appreciated the market value of desert land close to the Nile Valley and the Alexandrian port, and made deep wells, and cultivated vineyards, with the result that the whole of Mariut has numerous wells scattered all over the district, most of them being of Roman origin.

If one well could not be used for any reason, there was always another one not more than four or five miles away; and as no particular tribe or individual could claim to have made the well in the first instance, and as numerous other wells existed in the immediate vicinity, consequently no claims to ownership of wells were put forward.

In the west, however, nearly all the big cisterns, made to catch the heavy rain pouring from the hills, were constructed at considerable expense by a particular individual or his family, when only those who had paid their share of the expenses involved had water rights.

In normal times these water rights would be universally recognised and respected; but many disputes arose as post-war conditions began to adjust themselves. Some families, owning rights in a particular well, retreated west over the Tripoli frontier with the Senussi army; and in their absence their co-owners, finding that they had more than enough water for their considerably reduced numbers, sold the remainder of the water rights to another tribe or family.

The newcomers remained peacefully in possession for

nearly three years, when the original owners suddenly returned from the west.

The case quoted above became at this juncture a triple plaint. The returned Senussi warriors claimed their original rights from the new family and damages from the rest of their own tribe for daring to sell their tribal birthright to outsiders. The purchasers claimed damages from the Senussi warriors for expulsion from their rights bought and paid for (receipt shewn) and also claimed for wrongful sale against the rest of the tribe.

The latter protested that they could not tell when (if ever) the others would return from the west, and maintained that they could not afford to lose the opportunity of making a little money from their surplus water supply.

In a case like this the Bedouin Court would probably first enquire into the claims of the whole tribe to ownership of the well; and if its ownership were established to their satisfaction, they would ascertain either by document or oath how much had been paid by the outsiders for their water up to date. If the sum were accepted without question, and if no other issues were brought in to complicate the case, the family newly returned from the west would be awarded their original rights in the well, and would also be paid as a sort of compensation the money paid for their rights during their absence.

The Law of Pre-emption is maintained all over Egypt and provides many cases in the Bedouin Courts. This law provides that if a piece of land be for sale, the owners of neighbouring properties adjacent to it have prior rights of purchase, in preference to others at a distance. The idea of this law is to give landowners a chance of enlarging their properties should occasion arise, without the annoyance of having their properties divided by those of other landowners.

It sometimes happens that an Arab who intends to sell his land (either the freehold of the land itself or merely the cultivation rights) is very anxious that a particular

neighbour adjacent to his property shall not buy it, owing to some private quarrel. If he sell the land secretly by private treaty to another man not owning adjacent property, without giving his neighbours a prior chance of purchase, any of these neighbours has the right to raise a case against him in the Bedouin Courts.

The usual procedure under these circumstances will be that the actual purchaser is made to hand over his newly-acquired land on receipt of the price paid for it, thus rendering the first sale null and void, after which the plaintiff can buy the land for the same price. In the event of two or three neighbours all wishing to acquire a piece of land offered for sale, the land would be auctioned and sold to the highest bidder in the usual way.

The following lawsuit, which occurred in Mariut, will illustrate the type of case which has to be dealt with.

A man called Gassim Guedir brought an action against Gazi Ali claiming that Gazi had ploughed and obviously intended to cultivate a piece of land belonging to him. He stated that there was no question of this particular piece of land not being his, as he had bought it from a man called Abd el Aziz as nearest neighbour under the Law of Pre-emption. He therefore submitted that Gazi had no shadow of right to it, and claimed the land, together with compensation, from Gazi.

Gazi, in his turn, began a long rambling story, scarcely intelligible, narrating that Korayem (not hitherto mentioned) had given the land to Abd el Aziz; that he (Gazi) then bought it from Abd el Aziz; that Gassim had a chance to buy the land, but missed his opportunity; that Abd el Aziz ought to have paid Korayem £7 for it, but as Korayem died in the course of the proceedings, and his son was away in Tripoli at the time, the sale was left pending; that Korayem's son, even if he had been present, could not have received the money, as he had had a quarrel with his family; that the land in question was not worth cultivating, and would not give a return of the seed sown;

and that, even if it were worth cultivating, no one could be absolutely certain of its boundaries.

The sheikhs listened impatiently to this flood of rhetoric, and stopped him at this point. Then, going over and over the story as told by plaintiff and defendant, they eventually arrived at the facts of the case.

It transpired that

1. A man called Korayem had originally owned cultivation rights over this piece of Government land.
2. He bequeathed these rights to Abd el Aziz, who in turn offered to sell them to the plaintiff as nearest neighbour.
3. Gassim accepted the offer, but after paying £2 deposit failed to pay the rest of the price asked within the prescribed period of time, and thereby forfeited his right of purchase as nearest neighbour.
4. Abd el Aziz, who did not want the land himself, then offered the land to Gazi, who paid him £5 for it.
5. Abd el Aziz, having received his full total (£2 from Gassim and £5 from Gazi), withdrew from the case, leaving the two to fight it out together.
6. Gazi having paid £5 took possession of the land, and started to cultivate it, the uncertainty about the boundaries existing only in his own imagination.

The assessors of the Court weighed the above evidence, and decided that Gassim had certainly forfeited his rights through non-payment, and ordered Gazi to pay Gassim £2, and to take the land.

CHAPTER X

INHERITANCE

Koranic Laws of Inheritance—Provisions—Bedouin Difference—Desert Marriage—Filial Affection—Fair play—Wives—Masouda Pines for Presents—Mixed Property—Much Ado about a Farthing.

In the Nile Valley, where judges of the Marriage Courts are to be found everywhere, the Koranic Law of Inheritance is easy of application. These Koranic laws, relating to inheritance of property, form a wonderful code on which is based the laws of inheritance in Moslem countries. They are very full indeed, and provide for every possible contingency; but as their intricacies scarcely fall within the scope of the present volume, a brief summary of the more important points will suffice.

The widow of a dead man is entitled to inherit one-quarter of the entire property left by her husband if he have no children; but if he leave issue, his widow only receives one-eighth for herself, and each one of the children his or her share.

After the childless widow has received her quarter share, the remainder of the property is divided among her late husband's relatives, the female relatives receiving half the share of the male. In the absence of any relatives, the widow inherits her quarter share, and the remaining three quarters revert to the State.

As regards the dead man's children, each son receives double the share of a daughter, and all the sons inherit equally, there being no provision whatsoever for a larger share for the eldest.

If a man die, leaving a widow and one daughter, the widow draws one-eighth of the whole property as before,

and the daughter inherits one-half of the whole property, the rest being given to the man's relatives as before. If the deceased have no relatives, the only daughter left receives the remainder.

If a man die leaving one daughter only, she inherits one-half of the property, the other half going to his relatives; and if two daughters be left, they receive two-thirds between them, the remaining third being apportioned as before to their father's relatives.

If a dead man leave two wives, they share either the one-eighth or the one-quarter of the property, according as to whether or not they have children. Three or four wives so left have to share the quarter or eighth between them.

If one wife and one son be left, the widow's share is one-eighth and her son's the remainder; and if one son be the only heir he inherits the entire property.

Thus, for example, if a man die leaving one wife, three sons, and four daughters, and the total property be valued at £800, the shares would be as follows:

Widow at 1/8 of whole	£100
1 son = 2 daughters. Therefore 3 sons and 4 daughters = 10 daughters. Hence	
Each son's share would be 2/10 of £700	£140
Each daughter's share would be 1/10 of £700	£70

Although Bedouin custom is very largely based on this Koranic law of inheritance, certain differences between the two codes are to be found. The most important of these differences is that in Bedouin custom females do not always inherit. It will be easily seen that under the tribal system, it would be undesirable for property to pass out of the tribe with the marriage of a dead man's daughter to another tribe, whereas in the communal life of a town or village such considerations would not come into the case.

Another difference in Bedouin custom is the provision for nephews of the deceased man in certain circumstances.

A and *B* are brothers. If *B* pre-deceases *A*, *B*'s sons can inherit the share which their father would have got of *A*'s property on his death. This provision only exists in Bedouin custom, and there is no such clause in the Islamic law of inheritance.

Whereas these Koranic laws can be easily applied in the civilised towns and villages of Egypt, where the Marriage Courts form an integral part of the machinery of the Government of the country, and where their decisions and judgments have the moral support of the rest of the Government, conditions in the deserts are rather different. In the desert at the present time, these Marriage Court judges are employed to travel about between the more important centres and market towns, to adjudicate in marriage cases. Nominally, therefore, all marriages and divorces are carried out by them, and any question of inheritance is theoretically referred to the local Marriage Court judge.

This has only been made possible within the last few years with the increased standard of public security and civilisation; but previously the desert Bedouin recognised no judges but their own sheikhs and no code apart from their own Bedouin Law.

Thus, instead of the rather elaborate drawing up and signing of the official marriage contract, a Bedou lass would be married by some sheikh or notable of her tribe, in the presence of the immediate relatives concerned. More than probably no one present would be able to read or write, and the sheikh would join their hands and pronounce a blessing in the form of the "Fattah," which is the Moslem equivalent of the Lord's Prayer.

If any question arose later concerning this marriage, the relatives who were present at the ceremony would be called as witnesses. Although in some tribes the custom is maintained decreeing that a man should marry his girl-cousin, or at least be given first refusal of her hand when she becomes marriageable, in preference to others outside the

family, this custom is by no means universal among all tribes. Modern experts in eugenics would be horrified at this custom; and quite possibly this continual inbreeding may be the cause of the Gawabees tribe, among whom this custom is particularly strong, being nearly all very small men, with strangely similar features and characteristics running through all the families of the tribe.

Divorce, although a very much simpler business than in civilised countries, is by no means as easy as is popularly believed; and Bedouin public opinion on the subject is usually sane and healthy. A European, with his individualistic outlook on life, is apt to think of wives being divorced from their Bedouin husbands for the slightest offence (imagined or real), and being turned out into an unsympathetic world to starve. It must be realised at the outset that nobody ever starves under the tribal system. Unemployment and starvation, unfortunately only too common elsewhere, are utterly foreign to, and impossible in, the tribal system in the ordinary course of events, as the tribe invariably recognises its responsibilities to its members, and a place is always found somewhere for a homeless or indigent individual.

If a Bedou has two wives and six children, the addition of an old grandmother makes no difference whatsoever to the family housekeeping expenses; and in all probability she would even earn her keep by cooking or looking after the tents in the daytime, when the men were all out in the desert and the women were getting water from the well.

The Bedou in accordance with Koranic precepts has a great filial affection and reverence for age, and is accustomed to address any old man as "my father," "my uncle" or "my grandfather," and any such old man would be readily welcomed in almost any family for an indefinite period.

It is also important to remember that such a person as an unmarried woman of twenty-one simply does not exist

among the Bedouin, consequently although divorced wives present their own problem to be dealt with, the appalling surplus of women—many of them unwanted—found under our monogamous conditions is fortunately absent in the tribal and polygamous systems.

Public opinion among the tribes votes solid for fair play, and insists that a man must not shew undue favouritism to one particular wife at the expense of his other wives.

A woman called Masouda came to Court and complained that her husband Awad, with whom she had been happily married for many years, and to whom she had given four sons and two daughters, had recently married again. She explained that she had no objection to his taking another wife, as he was perfectly at liberty to do so if he thought fit; but that she resented his sudden infatuation for his new bride, as it had led to her husband spending a great deal of money on presents and jewelry for the new arrival, while he had not given her any presents for years.

She narrated wistfully how Awad had made quite a good profit on the sale of barley from the last harvest; and how she had gone with him to the following market at Amria. She had reminded him that their eldest boy badly needed another pair of shoes, and that one of the girls ought to have another frock. Almost with tears in her eyes, Masouda related to the Court the story of her going into the shop with Awad and watching him buy the shoes and the frock; and while Awad was haggling over the price, she saw a most beautiful new red waistbelt and a new silver bracelet exposed for sale.

She watched her husband's face, and wondered whether he would ever think of buying something for her; but when he had paid for the shoes and the frock, he exchanged the usual greetings with the merchant, and proposed to leave the shop. Not daring to ask, she choked down the tears of disappointment, and tried to forget that she had ever seen or thought of silver bracelets or waistbelts. She had almost succeeded in forgetting about them, when on

their return home from the market they met the new wife resplendent in a new dress and waistbelt, and gazing fondly at two new bracelets which Awad had just given her.

Masouda then went on to explain that when Awad had married the second wife, she liked the girl; but afterwards she could not bear seeing all the presents she had coveted so much being showered on the new arrival. During this statement Awad stood sullenly on one side, glaring sulkily at the Court and at his wife.

The sheikhs forming the Court then questioned Awad as to the presents which he had given to his new bride; and it appeared that Awad had

(1) killed a sheep in her honour;
(2) given her a small bracelet;
(3) „ „ large bracelet;
(4) „ „ waistbelt;
(5) „ „ pair of cream-coloured shoes;
(6) „ „ two dresses;
(7) „ „ a new tent.

The sheikh of Awad's tribe, who was sitting on the Court, held a whispered conversation with the other sheikhs, and asked them to let him deal with the case, as he knew both parties. The other sheikhs gladly agreed, and he beckoned to Awad and Masouda to come nearer. Then followed a most delightful little homily, interspersed with subtle humour and a great deal of practical common sense, on the subject of married life.

He made Awad admit that he had really done very well over his sale of barley, and that he was in a strong financial position. He reminded him that Masouda had been a good and faithful wife to him for years, and that Hamad, Itman, Abdel Razik and Reslan were fine upstanding sons of whom anyone could be proud; and as for Fiteiha and Fatma, two such handsome girls were a credit to their father and to the tribe. Masouda too had been a very pretty girl in her day, and although she wasn't as young

as she had been, she was still a fine woman, and had certainly given him some fine children. Besides she was a magnificent cook, and her lentil soup and broiled quails took a lot of beating. Then too she had good hands for animals, and if it had not been for her sitting up all night when the foal was born, the mare would certainly have died. All said and done, it was rather hard luck on Masouda, after she had done all her work in the tent, to have to go to market looking dowdy in old clothes, while all the others were wearing all their finery, and so on.

While this homily was going on, Awad's face gradually lost its sullenness, and when the sheikh had finished his address, Awad was like clay to be moulded at the wish of the potter. A friendly discussion followed, when the sheikh made Awad promise to give Masouda item for item exactly what he had given to his new bride—a sheep, large and small bracelets, waistbelt, two dresses, shoes, and a new tent; and in conclusion told Awad that he did not know when he was well off, and pleaded for fair treatment to both wives. Awad and Masouda left the Court like two children after a reconciliation, and the sheikh was congratulated on his very able handling of the case.

Affairs involving inheritance of property occasionally come up to Bedouin Courts, and provide wonderful opportunities for a gathering of the clan and for a stupendous amount of talking, most of it irrelevant, which all the relatives appear thoroughly to enjoy. If time be no object, these cases are sometimes amusing, but during a rush of other office work they may prove decidedly tedious.

In 1920 an Arab died in Mariut, and numerous members of his family foregathered from all over the desert and from the Nile Valley. In order to simplify matters beforehand, attempts were made to discover exactly how many heirs were entitled to inherit his property. Flocks of men and women then proceeded to rush madly into the office, all talking and gesticulating at once, and were successful in thoroughly confusing the issue by

quoting long genealogies of all sorts of people not concerned in the case.

After a full day's work it was ascertained that the deceased had left

two legitimate wives;
one divorced wife;
his widowed mother, for whom provision had already been made;
eleven sons;
five daughters—three married, two others married but divorced.

The next step was to determine the property to be divided. After a very lengthy discussion this proved to be as follows:

three tents (very old, torn and worthless);
four bull camels;
two cow camels (one in calf);
eleven goats;
seven sheep;
£17.836 in money;
fourteen hens.

These items were reduced to terms of cash, except the three old tents which were divided among the two legitimate wives and his mother. The bull camels were priced at an average of £12 each by mutual consent, and the first cow camel at £10 and the second at £14. The goats were averaged at 120 piastres a head, and the sheep at 150 piastres, while the hens were put down as worth £2. The finished account then read as follows:

2 bull camels at £12	£24
1 cow camel at £10	10
1 cow camel at £14	14
11 goats at £1.200	13.2
7 sheep at £1.500	10.5
14 hens	2
Cash	17.836
Total	£91.536

According to the laws of inheritance, the two legitimate wives were entitled to share one-eighth of the whole property between them, as both had children, the divorced wife being out of the running. Hence the two wives received £11.442.

Then follow the sons and daughters. The proportion of inheritance being 2–1, each son received 2/27 of the remainder, while each daughter received 1/27, or half their brothers' share. Thus:

2 wives at 1/8 of whole	£11.442
11 sons at 2/27 × (91.536 − 11.442) = 11 × 5.933	65.263
5 daughters at 5 × 2.966	14.830
Total	£91.535

Nobody present on the Court seemed to be particularly good at sums, and these figures were only arrived at after many hours of inexpert calculations. However, when three independent opinions resulted in the above figures, everybody patted himself on the back as being a budding chartered accountant, and thought the whole affair was ended. One of the sons benefiting by the property suddenly realised the fact that there was one millieme (one thousandth part of an Egyptian pound, worth one farthing) missing, and was much exercised in his mind to know who had taken it. He was eventually persuaded that it had been divided up between two wives, eleven sons, and five daughters—to wit seventeen persons in all—and that it had been lost in the general *mêlée*.

CHAPTER XI

TRIAL BY ORDEAL

Sheikhs Elected and Hereditary—Wound Assessors—Trial by Ordeal, "Bisha"—The Hot Spoon—"Clean"—Burns or Scalds?—The Water Bowl that walked—The Hypnotist—Biblical Ordeal.

In the Western Desert the head of every family to a certain extent assumes the rôle of magistrate within the confines of his own unit, and the assessors for any particularly important case will usually be chosen from among sheikhs who have proved themselves able and equitable lawgivers. But in Sinai, although any man with a reputation for probity and well versed in Arab Law may be chosen, there are also other posts which are regarded as hereditary, always provided that the hereditary holder of the post shews himself intelligent and sufficiently equal to the particular knowledge that he has inherited from his forebears.

Thus, in Sinai alone, two or three families have a reputation for being experts in assessing wounds, and the special knowledge of the bones and muscles of the body and the schedule of damages and wounds provided by Arab Law are handed down religiously from father to son. Other "wound assessors" are found in Palestine and elsewhere, and as a general rule the expert nearest to the place of litigation will be called in.

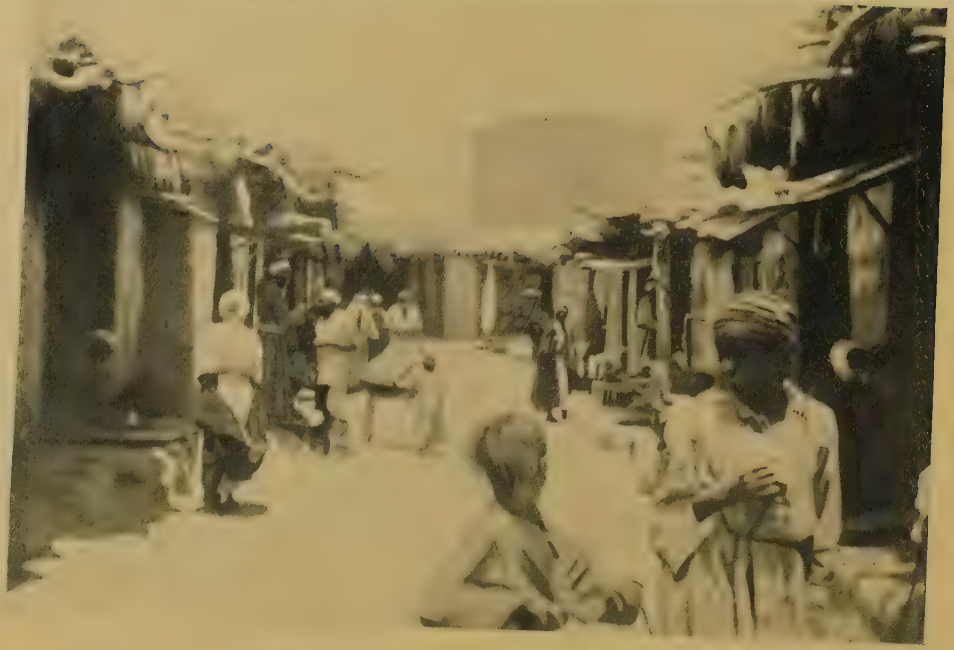
Many an old man with a little experience belonging to other families would be quite capable of adjudicating any case involving wounds as fairly and as equitably as these particular families; but the Arab is nothing if not conservative, and this old custom from primitive days is still respected, and the "wound assessors" retain their here-

ditary appointments in their own families. This custom has at any rate one very distinct advantage. If every sheikh or head of a family were to assume the position of the professional wound assessor, there would certainly be great differences between the assessed damages for similar wounds in different tribes and in different parts of the country; whereas the recognition of one particular professional expert tends to stereotype the damages, and to form a fixed standard for the area. The procedure adopted by these experts is dealt with fully elsewhere.

Another hereditary post is the professional authority in all legal cases connected with women. One family retains exclusively within its own family circle the particular knowledge required for these cases, and is invariably called in as experts from considerable distances when occasion arises.

But the most interesting of all these hereditary experts in Sinai is the individual who carries out the Trial by Ordeal, or the "Hereditary Holder of the Red-hot Spoon" as a previous Governor of Sinai has so happily named him. There is in Sinai only one man—a quaint little old Arab called Sheikh Hamdan of the Ayayda tribe—who inherited this post from his father, and who carries out his Ordeal all over Sinai. There is a similar expert among the Amran tribe east of Akaba, and another near Medina in the Arabian Peninsula. It was the writer's privilege to be an actual eye-witness of the Trial by Ordeal, by special invitation from the Holder of the Hot Spoon himself.

In order to understand the meaning of the "hot spoon," it must be realised that all the Sinai Arabs are experts at making coffee. They buy the green coffee beans, make a charcoal fire, and roast the beans over the fire fresh for every occasion in an iron receptacle rather resembling a flattened-out soup ladle. The roasted beans are then pounded up in a mortar, to the accompaniment of rhythmical beats on the side of the mortar. This receptacle is the "spoon" referred to.



THE VILLAGE MARKET (KHAN YUNIS)

The trial by ordeal is employed to settle disputes in the absence of evidence, usually only the more serious charges being disposed of in this way. Just as the Sinai Arabs are loath to employ the oath in their disputes, unless it has been found impossible to come to a decision by any other means, so do they reserve the "Bisha" (as they call the trial by ordeal) for the more important cases only, being anxious that the solemnity of the ordeal shall not be lost by frequent appeal in trivial cases. The procedure is as follows.

When a suspect is accused of murder, theft, or any other serious charge, after heated affirmation of the truth of the charge on the part of the accuser and equally vehement denials and repudiation on the part of the accused, it may be mutually agreed that the case shall be taken to the Bisha for decision. The accuser and accused must first agree upon a neutral third party, whose duty it is to watch fair play between the two, from a strictly impartial standpoint. This individual is entitled by law to a fee varying from £5 to £10 for his trouble, while the sheikh of the Bisha is paid another £5, these expenses being paid afterwards by the losing party. The three then go to the sheikh of the Bisha, either in his own house or at some pre-arranged place in the desert, the whole proceedings being open to anybody to watch, and there being no secrecy or staging of any kind.

At the time of the meeting the sheikh of the Bisha also calls in two other specially chosen witnesses, who must of course be approved by both parties. In the particular instance in which the writer was an eye-witness one Arab from Southern Palestine had accused another Arab from Khan Yunis of murdering his son. The boy had been found dead in the desert, and the body had been examined by the Government doctor, who had found no signs of violence whatsoever. There were, however, circumstances which threw a certain amount of suspicion on the accused, whom the boy's father charged with suffo-

cating the lad. The accused protested his innocence, and challenged the other to support his charge by evidence.

In spite of the entire absence of evidence, the father persisted in his accusation, and threatened that reprisals would be taken. The accused—apparently unwillingly—eventually consented to undergo the trial by ordeal, and the other agreed that if the Bisha decided in favour of the accused he would drop his claim. Arrangements were duly made, the sheikh of the Bisha came from his home in Central Sinai up to El Arish to meet the litigants half way, and paid an official call on the writer, whom he invited to be present at any time or place convenient. The meeting was fixed for late afternoon, in the shade of a tree near the Government offices. A charcoal fire was burning, and a group of fifteen or twenty onlookers squatted in a semi-circle round the fire, in company with the accuser and accused, their mutual assessor, and the two chosen by the sheikh himself. In the centre of the group, two or three paces in front of the rest of the assembly, sat the sheikh, stoking up his charcoal fire, on which the "spoon" was laid, with the sticks of charcoal built up round it. Some of the men were smoking cigarettes, others puffed contentedly at their enormous pipes, and the shadows from the big tree over the yellow sand completed the peaceful scene. It was difficult to believe that in a few moments one of those present would be tried for his life, his fate hanging on the ugly iron spoon in the charcoal fire.

The buzz of conversation suddenly stopped, as one of those present made a last effort to reconcile the litigants, and appealed to the accuser to accept some form of compromise. His effort was unsuccessful, the accused himself, a swarthy Arab with finely chiselled features and a short black beard, declaring that he would not shirk the ordeal at this stage of the proceedings. He seemed quite unconcerned, took out a cigarette and lit it from a burning stick at the edge of the fire.

After a few minutes the sheikh of the Bisha intimated

that the spoon was hot enough, and directed the accused to come and kneel just behind his left shoulder.

"In the Name of Allah, the Merciful, the Compassionate" crooned the sheikh, as he quietly said a prayer, in which all present reverently joined. A small pot of water was then passed to the accused, who rinsed his mouth and spat noisily, after which the three assessors carefully examined his mouth, lips, and tongue. Taking the handle of the spoon in his right hand, the sheikh withdrew the spoon from the fire, flicked the ashes off its upturned bottom with his other hand, and presented it glowing red to the accused at his left elbow.

For one brief moment the accused paled, his dusky skin shewing ash-grey; and then, pulling himself together, and tightly grasping his sword with both hands, he put out his tongue and licked the hot spoon. As his tongue returned to his mouth, the black mark of the ashes was clearly seen. "Again" called the crowd; and this time rather frightened and unwilling he forced himself to comply. A third time he leant forward—this time recklessly—and licked the spoon, while the onlookers strained forward eagerly to watch the ordeal.

The sheikh passed the pot of water to the accused, who had by now released his nervous grasp on his sword; and after again rinsing out his mouth, the accused returned the water to the sheikh, and squatted on the ground. The sheikh poured some water into the spoon, and the noisy boiling and the steam, together with the complete disappearance of the water, satisfied any doubts as to its temperature. Three times the sheikh poured water into the belly of the spoon—twice it boiled away immediately, and once it remained. Then he poured more water into the cup-like depression at the base of the handle, and again the water boiled away. When the spoon had been completely cooled, the sheikh called together his two witnesses and the assessor nominated by both litigants, and the four then ordered the accused to put out his tongue. With supreme

self-confidence he obeyed, and clearly visible to all was his tongue looking perfectly healthy and natural. "Clean," declared the sheikh; "Clean," echoed the witnesses, and a group of onlookers (including the writer) went up to examine his tongue and mouth more closely. On closer inspection the faintest possible trace of a black ashy smudge was just visible in the centre of his tongue, which was otherwise perfectly healthy and normal in every way.

The sheikh raked out his fire, and put away his spoon; the onlookers rose to their feet and went about their business, while one or two congratulated the accused on his acquittal. The proceedings were remarkable throughout for the complete absence of mummery or artificial excitement of any kind. Apart from the suppressed emotion for one brief moment on the face of the accused just before licking the spoon for the first time, nothing could have been more cold-blooded or more aggressively matter-of-fact.

A suggestion was put forward by a friend who heard of this case: that as the man rinsed out his mouth with water shortly before licking the spoon, the tongue would be scalded and not burnt, and that the scald would only appear some hours after the event, while a burn would shew at the time. This entirely fails to explain why some accused are found guilty and some innocent by the ordeal; and in the particular case referred to the writer met the accused two days after the trial. He was collecting the signatures of the official witnesses on a signed statement drawn up by the sheikh of the Bisha, and on the strength of this document he was entitled to reclaim expenses from his accuser. His tongue was again examined, and shewed no trace of burns, scalds, or defacement of any kind whatsoever.

Enquiries as to other cases submitted to the Bisha for trial have elicited the fact that this form of trial is still comparatively common in Sinai, Palestine, and the Hedjaz, and that the findings of guilt are as numerous as those of acquittal. One particular case was mentioned, in which

an Arab accused his brother of stealing a camel, which was emphatically denied. They agreed to submit the case to the Bisha; and the accused's tongue is said to have stuck to the spoon, and to have been irremovable, until an enormous excoriation had been seared on it. With another accused, it is reported that no sooner had his tongue touched the spoon, than blood spurted out all over his face.

Many readers will jeer at this practice, and condemn it at sight not only as barbaric, but as utterly incapable of really proving guilt or innocence. But if an implicit faith among the Arabs in the ability of the sheikh to discover the truth by this means be admitted, then, a certain justification for the practice will be apparent. It stands to reason that a guilty man, faced by the ordeal and believing that "truth will out," may in some cases confess before the actual ordeal takes place. And even in the event of his trying to bluff, it is almost certain that he would face the spoon with a dry tongue, a parched throat, and obvious terror of the possibility of the trial going against him. An innocent man, on the other hand, would face his ordeal happily in the knowledge of his innocence, and in the faith that the sheikh cannot give a wrong decision.

It must be remembered that the heavy iron ladle is held by the sheikh and the accused stoops down and licks it—it being impossible for the sheikh to hold it against the tongue for a longer time in one case than another, or for any variation to be made in the temperature of the spoon; which would be at once detected by the witnesses and others specially chosen to see fair play.

Another form of trial by ordeal is reported from Northern Hedjaz which is only carried out by one individual, who alone understands its mysteries. Unfortunately, it has not been found possible to obtain the statement of an eye-witness, even though some of the Sinai Arabs resort to it, but the following description may be accepted as fairly reliable.

In this case the ordeal is carried out by means of water

instead of fire, the witnesses being the same as for the Bisha. The accuser, accused, witnesses, and the Holy Man himself are grouped round in a circle, the last-named filling a small copper pot with water, and laying it by his side. Invocations and prayers follow as before, and at the critical moment the sheikh commands the bowl to go round the circle, and point out the guilty man. The crowd gaze at the bowl placed on the ground inside the circle of onlookers. At first there is no movement; then gradually the bowl itself is seen to move an inch or two, and slowly within a yard of their feet it wanders round the inside of the circle. Nothing is touching it—no one is near it.

The excitement increases as the bowl comes nearer and nearer to the suspected man. If he be innocent, it will pass him by, complete the circle, and come to rest again at the feet of the sheikh; but if he be guilty, it will stop accusingly before him, and will travel no farther.

The third form of ordeal is a species of thought-reading. The suspect is brought before the Holy Man to be tried, and the sheikh gazes long and earnestly into his eyes, until both are in a hypnotic trance. The sheikh then retires and sleeps, and when he comes out of his sleep, he pronounces his decision of guilty or innocent. It may be imagined that it would take a good actor to stand unflinchingly the penetrating eyes of the Arab hypnotist; and that, with simple-minded desert folk, such a system may well be successful in eliciting the truth.

It is not always realised that trial by ordeal has Biblical sanction. The trial for a woman suspected of adultery, which is described at full length in Numbers v, 12–29, is very similar to the above in principle. Presumably it was implicitly believed that the "bitter water" was capable of rendering the woman sterile, and of "making her thigh to rot," so that she would indeed become a curse among her people, as all sterile women are regarded by the Oriental; whereas, if she were guiltless, then would the curse have no effect, and she should bear children.

CHAPTER XII

WOUNDS & DAMAGES

Value of Eyes—Arab Code for Wounds—Loss of Limbs—Slaves—Broken Bones—A Year's Grace—First Aid—The Wound Assessor—Fingers—The Roman Dinar—Wounds on the Face and Elsewhere—Grazing Rights—Family Obstinacy—A Judgment Scorned—Bound Over—Moral Damages—Mohamed's Teeth—Tactless Towida and her Damaged Eye—Lamloum's Love-Affair—Some have all the Luck—The Lawsuit—Misplaced Arbitration—The Rough-and-tumble—Peace—Slander.

In the primitive days assaults by one tribe or family against another, and individual aggression against the person of another, were so common that legislation had to be provided to meet the case. It frequently happened that during an inter-tribal feud raids were made, camels and flocks were carried away, and blows exchanged with the camel owners. Each party might have a casualty list of twenty or thirty wounded, with broken arms, dislocated shoulders, and smashed fingers, apart from the possibility of actual blood being shed, which would come under the category of bloodmoney. In these cases elaborate codes exist, whereby theoretically every bone of the body has its specific price to be paid for it, if broken or permanently damaged.

The loss of both eyes is regarded as tantamount to loss of life, as a blind man is equally useless as a fighter, camel drover, or cultivator, and from the tribal point of view is merely a useless encumbrance requiring to be fed. Thus the full bloodmoney, as though for a life, is usually exacted for complete loss of sight. The loss of one eye is usually priced at half the full bloodmoney, even though a one-eyed

man may still be a useful fighter, and perfectly capable of holding his own among the able-bodied men of his tribe.

Amongst the Sinai Arabs, the assessment of bodily injuries is controlled by an extensive code, dependent on all sorts of hypotheses. The "Hereditary Wound Expert" has already been introduced, and it is his duty to assess the damages for bodily injuries received. The full provisions of his code would require a separate volume, if the subject were to be dealt with at all in detail. It will suffice here, however, to review briefly the main principles involved.

Arab Law in Sinai, under the heading of Damages for Wounds, is divided into four distinct sections:

1. Loss of limbs;
2. Broken bones;
3. Wounds on the face;
4. Wounds *not* on the face;

and a distinct code dealing with each of these headings is to be found. The fact must not be lost sight of that the primary and fundamental idea at the back of all Bedouin Law is to make peace between the conflicting parties, and to obviate the possibility of reprisals. Hence, although general rules exist, they are by no means universally observed, as each individual case is legislated for separately, the object being to induce the injured man to accept as little as possible, thus effecting a mutual and satisfactory compromise.

1. Loss of a Limb: arm, leg, hand, or foot

In these cases compensation is given at the rate of one-quarter of the full bloodmoney for a man, plus a sum of money. The full bloodmoney (as already seen) is forty camels plus a riding camel. Hence the price of a lost arm or leg is ten camels plus £10 in money. Of these ten camels five must invariably be really good Class 2 camels, while the other five can vary in quality and age with the circumstances of the case. This £10 is an interesting historical

relic. Arab Law in these cases originally provided that, in addition to the ten camels paid as damages to the injured man, a Sudanese slave (either male or female) should be given by the aggressor, either to carry the injured man about in the case of a lost leg or to minister to his wants in the case of a lost arm or hand. With the abolition of slavery, the value of a slave (£10) was substituted when the real article became unobtainable.

2. Broken Bones

In the case of loss of limbs provided for in the preceding paragraph, as long as a limb is lost time makes no difference. But with broken bones and other wounds, it is impossible to tell accurately at the time of the wound, with the rough and ready surgery of the Arabs themselves, how successful the surgery will be, and what permanent damage or defacement will remain. Consequently, both in the Western Desert and in Sinai the period of one year is generally agreed upon, and allowed to elapse between the date of the blow and the assessing of damages. Needless to say, there are no Bedouin doctors as such—a man of forty is a fool or a physician—and their remedies for colic, stomach-ache, neuralgia, and so on, are concocted chiefly from various herbs growing in the desert, or consist in counter-irritation by branding with hot irons, piercing with red-hot needles, and blood-letting—all of which remedies appear to be very effective. Most of them understand the principal bones, muscles and arteries of the body; and the rest is commonsense. If a wound is bleeding profusely, they tie it up with rags, and if an arm or a leg is broken, they pull it out straight, and tie a wooden splint to it or use firm-binding clay as a plaster-of-Paris splint.

On one occasion news was brought to the police in Sinai that an Arab from the Hedjaz had assaulted a local Arab in Central Sinai, had nearly killed him, and left him out in the desert with a broken leg and other dangerous injuries. In order to obtain the arrest and conviction of

the aggressor, the evidence of the victim—particularly as regards identification—was imperative. Determined that the victim should not die of his wounds if it could possibly be avoided, the Government doctor hurried off by car some ninety miles across the desert, armed with splints, bandages, and various drugs, prepared to bring in his patient (provided he were fit to travel), on a stretcher lashed across the car, to the Government Hospital for treatment. On arrival, the doctor found several serious wounds, which had all been attended to by his family, and a compound fracture of the femur, which had been most successfully set in rough splints. The patient was extraordinarily cheerful though weak, gave an accurate description together with the name and tribe of his aggressor, and asked to be left where he was. The doctor returned with his drugs and splints, declaring that he could not have done better himself, and left the man to the care of his tribe.

In these cases of broken bones, after waiting a year the victim will go in company with the man responsible for the wounds to the professional wound assessor, in order that the wounds may be priced and paid off, and that peace may be made. In all cases the fee for the wound assessor is one-tenth of the damages awarded. If the bone broken be the fore-arm, the assessor will first examine the fingers to see if the blow has damaged any muscles or nerves, resulting in one or more fingers being atrophied or paralysed. If one or more fingers are broken or thus affected, they will be priced separately according to a special schedule specified below.

If all the fingers be sound, the assessor will pinch, pull, and feel along the bone to see whether it has set correctly. If he is convinced that it is eminently satisfactory, and the arm is as useful as it was before, the damages awarded will be as small as possible consistent with agreement and peace between the two parties. If the damaged arm has not set correctly, or is shorter than the other arm, or it is feared that it will not be able to lift heavy weights as

formerly, or is in any way of less value than before, then one, two, three, or more camels will be awarded according to the circumstances.

Fingers

Legislation for the price of fingers varies enormously with different circumstances; but as a rough idea of the usual value, the fingers are usually worth about one camel each under the Sinai Arab Code—say about ten pounds in English money. In Sinai, where all the Arabs carry swords, the fore-finger and thumb of the right hand are each worth twice the value of any other finger; but in the Western Desert Code there are one or two interesting points differing from the Arab Code.

Under the Western Code, each joint of the fingers is priced separately, the average price being about thirty "Dinar"—a very interesting relic of the old Roman Denarius, this Latin nomenclature having only survived in Bedouin Law in this one connection. The sheikhs in the West, assessing these finger-wounds, usually adhere to the stipulated number of "Dinar," but vary the value of the Dinar from one shilling to two shillings, according to the severity or otherwise of the wound. Incidentally too, among the Western Bedouin who carry guns (not swords) the only finger which is worth double the ordinary value is the fore-finger of the right hand—the trigger finger.

3. Wounds on the Face

These are regarded as very serious among the Arabs, as it is felt that a permanent scar on a man's face inflicted by some one else is a lasting disgrace, liable to make the unfortunate victim a laughing-stock for the rest of his natural life. Consequently these wounds are always priced much more heavily than others. The procedure is as follows. The wound assessor takes a piece of very transparent gauze, and lays it over the wound on the face of the victim. He then takes one step backward from the

victim, and calls the name of the first class of camel. If he can still see the scar through the diaphanous material, he takes another step backward, calling the name of the second grade of camel. If at this juncture the wound assessor can no longer see the wound, he orders the aggressor to pay to the victim one camel of Grade 1 and one camel of Grade 2. If he can still see the scar, he goes on taking one step backward at a time, enumerating with each step the grades of camels in order, until the scar becomes invisible. These camels referred to are the same as those stipulated for the payment of bloodmoney, and consist of six classes of camels of different age and value, varying from a first-class seven or eight year old riding camel, to a two year old baggage animal of little value.

If the wound assessor can still see the scar after enumerating each of these grades, with successive steps backward, he starts all over again with Grade 1, repeating the other grades in order, until the scar becomes invisible. The number of camels enumerated according to these classes or grades will then be paid as damages, the wound assessor himself receiving as his fee one-tenth of the award as usual.

4. Wounds NOT on Face

Serious flesh wounds are sewn up with needle and thread, and the wound assessor estimates the damage by counting the number of stitches, and awarding one camel for every stitch, again according to the same classes or grades of camels. Provided that no ligaments are torn, or bones broken (which would come under the second heading of this chapter), the damages awarded would of course be proportionally much lighter, and are usually priced at from £2 to £10 in money. If a wound has been induced to heal up by itself without the application of stitches, and was unaccompanied by broken bones, torn muscles, or other complications, the wound assessor lays his fingers across the scar, and measures off the wound in finger-breadths—one finger-breadth representing one camel. If the wound is

on the fore-arm, and besides the damage to the arm one finger is paralysed as the result of nerves being destroyed, then the full damages for the stitches and wound on the arm will be awarded, but only *half* the value of the finger will be added.

In all the above cases, if the victim was rendered unconscious at the time of the blow, and had to be revived with water, one extra camel is added to whatever compensation is decided on.

If a wound has reached the bone, and the scar is caught up in a healed-up bone, camels are invariably awarded. But if it is only a flesh wound, sums varying from £2 to £10 in money will be awarded.

In the more or less settled Western Bedouin tribes damages awarded for individual wounds are not very frequent, though cases of families or tribes making raids on each other and inflicting and receiving injuries in so doing are fairly common.

Among the Gawabees tribe in the Wadi Natrun and the desert from Cairo and Khatatbeh westwards, many of these inter-family feuds have existed for years. Two particular families were unusually turbulent, and gave a lot of trouble. Some fifty years ago these two families, the Salayem and the Bahair, were living together in the Wadi Natrun, and owned adjoining grazing rights in the rushes of the wadi swamps. Each family had its title-deed proving its ownership of these grazing rights. The Bahair family were involved in a bloodmoney case in the wadi, and fled to the fringe of the Nile Valley cultivation, in order to escape the feud among their own people. Here they remained as semi-nomadic and semi-settled for fifteen years. Meanwhile the Salayem family quietly took possession of the Bahair grazing rights, and remained in undisputed possession for this period.

The Bahair family, living almost as Fellaheen, began to accumulate an enormous number of cattle, and when their local resources proved insufficient the idea occurred to them

to drive some of their surplus live-stock across to the wadi, to graze on their old family grazing rights. Accordingly one or two shepherds and a few small boys drove a number of their cattle across the fifty miles of desert to the wadi; but on arrival they were set on and beaten by the Salayem, and they fled with such of their cattle as they could round up in the general commotion.

A week or so later, the Bahair organised a raid against the Salayem, and came across the desert armed with big sticks. The Salayem came out to meet them, and in the ensuing battle about half a dozen men of each side were wounded, some of them seriously. The ring-leaders were arrested, and the more severely wounded admitted to hospital. The case was brought up to the Bedouin Court, in order that an official agreement and peace could be made, obviating further trouble in the future. The Bahair, however, refused to appear, and when the Court assembled, the Salayem were present in full force, but not one single representative of the other party. The Salayem claimed that they had been in undisputed possession of both lots of grazing rights for fifteen years, and that the Bahair had forfeited any claim they ever might have had by fleeing to the Nile Valley, and leaving their grazing rights for such a long period. They further claimed damages from the Bahair family, first on account of their having driven their flocks on to the plaintiff's grazing rights (which they claimed was an unwarrantable trespass), and secondly on account of wounds received in the fight.

The case could not be proceeded with until some representative of the other tribe could be found, so the Court had to adjourn *sine die* until the Omda of the Gawabees had succeeded in bringing the heads of the Bahair family to Court. A month later the sheikh of the Bahair and one or two surly heads of families of the Bahair section were produced very unwillingly, and one particular sheikh of the Court was asked by both parties after considerable discussion to go down to the Wadi Natrun and call a meeting

of both families to assess damages on both sides, and above all to make a formal peace to obviate further disturbances in the futuue. For a long time the Bahair refused to meet the Salayem in the wadi, and when they did finally come to the meeting, it took all the tact and diplomacy which the sheikh possessed to prevent the parties again coming to blows during the discussion.

After three days of general shouting and gesticulating, the chosen sheikh eventually succeeded in drawing up an agreement, which the Salayem signed readily and the Bahair with ill-concealed anger and annoyance. Peace was formally made, and the customary kissing on the head was carried out perfunctorily. The sheikh, knowing their feelings in spite of the peace made, had previously arranged that the Salayem should go straight home after the meeting in a south-westerly direction, while the Bahair went home *via* a particular sheikh's tomb lying to the north-east. The sheikh himself, who was bound for the north, accompanied the latter for an hour or two; but no sooner had he gone alone on his way than the Bahair hurried back to overtake the Salayem on their way home. They soon overtook them, and met with clash of sticks and staves, resulting in further wounds. The situation looked ugly, and in this particular case it did not appear that the Ourfi machinery for settling the case was adequate to the occasion. The police authorities stepped in, and took a very strong line, which successfully put a stop to further trouble. The Salayem and the Bahair were each made to pay £50 into the general treasury, as a guarantee to keep the peace for one year, and they were told that the minute that either side opened up the old quarrel, or raided, or transgressed in any way the terms of peace already made, their £50 would be paid forthwith to the other side, without prejudice to any other action which the police or Bedouin Court might decide to take. Should this sum not prove sufficient to enforce peace, the sums would be doubled and again doubled until this trouble was finally stopped.

Fortunately the previous aggressors realised that any further raids on their part would prove an expensive amusement, and promptly desisted. The sheikh who had trekked one hundred and sixty miles to make peace between the families, and whose judgment and armistice had been so rudely disregarded and broken, was subsequently awarded by another Court £20 damages for the moral insult offered, this sum being paid by the Bahair family.

This is a good example of a case where Bedouin Law depends upon the moral force of the Civil Power to enforce its judgments, and it is certain that without this extra power in this particular case the inter-family feud might have continued indefinitely.

Sometimes a case which appears at first sight to be confused or fraught with all sorts of difficulties and complications will subsequently prove to be a mere battle of words. The following quarrel between two brothers Mohamed and Hamid provides an example. Their father had died leaving them a piece of land, and they had quarrelled over the division of it, and had come to blows, in which their respective wives joined. The immediate results of the fight were:

Mohamed had (1) three front teeth loose,
(2) one back tooth broken,
(3) a wound over the right eye,
and his wife had (4) a bruised arm.
Hamid had (5) a wound over the left eye,
and his wife had (6) a wound at the back of the head.

The Court decided that (5) and (6) compensated for (3) and (4) and so, after all the commotion and waste of words, the whole case could be summed up in the affair of Mohamed's teeth, which they at first decided should be left under observation for a year, to see whether or not they fell out as the result of the fight. Mohamed pressed for an immediate settlement, and the sheikhs seeing that the whole plaint was frivolous dismissed the case.

Another rather confused domestic disturbance occurred

in Mariut a few years ago, when a man called Beseis claimed that his sister Towida, hearing a commotion in a tent near by, went to see what was happening. There she found the defendant, Hassuna, and his wife quarrelling noisily. Towida, instead of leaving the two to settle their domestic differences between themselves, was tactless enough to join in, trying to stop the fight. In the general *mêlée* which ensued, Towida received a blow over one eye. After a lapse of some time this damaged eye grew white, and was covered by a film, and its sight was rapidly going. Biseis therefore brought the case to court, maintaining that the loss of sight was due solely to the blow received, and claiming damages from the defendant.

The court heard the evidence, and decided that Hassuna should swear, backed by eight other men, that neither he nor his wife were responsible for this damaged eye. In the event of this oath not being taken, defendant would automatically be liable to pay compensation, which was assessed at one-half the full bloodmoney for a woman, i.e. one-quarter of the full bloodmoney for a man (= £75).

When the parties came to the tomb of Sidi Abdel Qader, there was considerable demur on the part of the defendant and his eight backers about taking the oath, and the meeting broke up without the oath being taken. Another meeting was fixed, and again the oath was not taken, and finally Biseis and his sister Towida agreed to accept £12 as damages, and to drop the case.

This case contains several interesting points. In all probability all parties concerned realised from the outset that the defendant was only partly responsible for the damaged eye, and only to a minor extent. They were of the opinion that Towida herself should have minded her own business, and if she were hit during the fracas, she had only herself to blame. Also other causes might have contributed to the present condition of the damaged eye, which was not blinded at once at the time of the accident. Hence, with both parties and the members of the Court all

agreed that the case was by no means a strong one, the Court first ordered the oath, feeling fairly confident in their own minds that such would never really be taken. Then, when the strict letter of the law had been applied and had failed, the sheikhs heaved a sigh of duty done, and propounded a common sense proposal of damages, much more closely approximating to the value of the damage actually received.

A good-looking young man brought a case to Court, stating that his name was Lamloum, and that he was suing a distant cousin called Himeida. He explained that there had been a private quarrel for some time between them, and that he was very anxious to marry Himeida's daughter Mahbouba, who was an exceptionally attractive and a very capable girl. But owing to this quarrel between them he could not observe the usual procedure in asking Himeida for the hand of Mahbouba. He had seen a good deal of the girl, and his affections were reciprocated by her; so without saying anything to her father, he arranged with Mahbouba to elope. They met at a pre-arranged trysting place, and galloped home together on his desert-bred mare. Himeida however got wind of it, and dashing across the desert to cut them off, fired two shots at them as they passed. Lamloum went on to explain that Himeida fortunately did not succeed in hitting them, but that matters were getting pretty serious when a man fired at his cousin. He therefore claimed damages from Himeida for the deliberate intention either to kill or to cause wounds.

Himeida immediately counter-claimed that Lamloum had abducted his daughter, not only without his consent, but entirely contrary to his wishes. After hearing this evidence, the assessors asked for the Court to be closed for discussion of the case among themselves. They all agreed that it was important to stop this ill-feeling between Lamloum and Himeida, and that it was most desirable that Mahbouba should remain with Lamloum. Himeida was called in and taken by a white-haired old Omda into

one corner, while Lamloum was called into another corner by a sheikh. Mahbouba was also called in and asked if she wished to remain with Lamloum, to which she assented.

Himeida having promised to bury the hatchet, the Court reassembled *in toto*, Lamloum was called in with Mahbouba and they were eventually persuaded to make peace. Mahbouba was to remain with Lamloum, but he was made to say the "Fattah" before the Court to legalise their marriage[1]. And, as retribution to the insult offered to Himeida, he had also to kill a sheep for Himeida's family, when the official feast to celebrate the marriage should be held.

Another case recent amongst the Aulad Ali shews that however hot ill-feeling may wax in family disputes, the enraged parties may still retain a very clear-cut sense of the fitness of things, and a very definite estimation of the comparative value of blows given and received.

"Ailet" Mansur (the family of Mansur) were a prosperous family consisting of five brothers of an advanced age, with their innumerable married sons and their families, the whole "Aileh" or family boasting of about forty-five men. Ailet Suleiman, their distant cousins in the same tribe, were not so prosperous, and only boasted of seventeen men, and between these two families there had been rather strained relations for some time. Apart from jealousy, there seemed to be no particular reason for this ill-feeling, which seemed to increase as time went on. Ailet Mansur possessed some barley land in a low-lying valley, and Ailet Suleiman cultivated the upper slopes above it. The rainfall was not good, and what little rain there was seemed to run quickly off the higher slopes belonging to Ailet Suleiman, leaving their cultivation poor and miserable, and scarcely worth reaping.

The Ailet Mansur's barley, on the other hand, flourished

[1] Bedouin marriages out in the desert, and away from Marriage Courts, are frequently celebrated by a sheikh saying the "Fattah," which is the Moslem equivalent of the Lord's Prayer.

exceedingly, catching the water not only from their cousins' land, but also from the other side of the valley. Then the Ailet Suleiman had bad luck with their sheep, many of them contracting the well-known liver disease to which they are always so liable, while the other family sold their sheep at fancy prices during a boom on the market.

After some months, three of the Ailet Suleiman met two of the Ailet Mansur in the desert, and proceeded to expend on them some of their pent-up jealousy. They told them what they thought of them, implied that their recent good fortune in the sheep market was a piece of questionable dealing, and added one or two carefully thought-out insults. The two representatives of the Ailet Mansur, being rather slow-witted, were still thinking of something really caustic and biting to say, when the others set on them, and beat them with their sticks. They themselves were entirely unarmed, and took to flight, one having a black eye and the other a thumb badly bruised and out of joint.

On returning home, these two complained about their treatment to the rest of their family. The head of the family, old Mansur, who was occasionally called in as assessor at the Ourfi Court, and strongly disapproved of this unnecessary inter-family feud, called old Suleiman (the head of the other family); and the two old cronies came to Court as representatives of their respective families, accompanied by the two wounded men, to ask for the case to be settled.

The court assessed the damages at £6—£3.5 for the black eye and £2.5 for the thumb, and this sum was paid then and there in open court by Suleiman to Mansur. Mansur returned home with his two sons, and summoned the rest of his family. He told them that the quarrel was now finished, gave the money to the two sufferers, and bound them over to keep the peace in future. The rest of the family were furious. To begin with, the old man had gone to the Court and fixed the whole case, without con-

sulting the rest of his sons, and while he was away doing this, they had been planning a glorious revenge. They were sick to death of the insufferable insults to which they were continually being subjected by the Ailet Suleiman, two of their number had been beaten like dogs in the desert, and now—as a crowning insult—they have £6 of dirty, tainted Suleiman money flung in their teeth, and are told by Mansur himself that peace had been made. Peace, indeed?—a nice sort of peace that!

The infuriated family held a protest meeting in the tent of one of the sons, and they agreed that reprisals must be taken against the Ailet Suleiman. All preparations were ready, and it was agreed that one of the sons should go to the encampment of the other family, and on some pretext or other entice as many of their men-folk as possible away from their tents. A party of fifteen of the Mansur family would be lying in wait armed with big sticks, and when a suitable opportunity offered, they would rush in and get their longed-for revenge.

Just as they were going to start, the two casualties from the previous engagement suddenly remembered the unwanted £6 which had been thrust on them by their father, and called a halt to discuss this new point with the rest of the family. The fifteen decided the point without a moment's hestitation. Their glorious revenge should not be thwarted by paltry considerations of £6; and, whether as conscience money or because they realised that the penalties for re-opening a quarrel which had once been settled were proportionally more severe, a small boy was sent to give the offending £6 to Suleiman himself, while the fifteen warriors prepared to hurl themselves into the fray.

The ruse was successful, the Ailet Suleiman were enticed out of their tents, and there ensued a glorious battle, to the intense satisfaction of all concerned. The storm cleared the air, damages on both sides were assessed and paid, and the two families settled down to live peaceably together.

SLANDER

It is not often that one hears of slander cases in the Bedouin Courts, but one interesting case occurred some years ago in Sinai, when an Arab brought an action for slander against his brother.

The case was investigated in the usual way, and the charge was proved against the defendant. The Arab sheikhs deliberated over the judgment for a long time, and eventually gave their considered opinion that the defendant should lose two inches of his tongue. Further discussion resulted in the translation of this punishment (specially designed to fit the crime) into the payment of so many camels for every inch of tongue. The above case was heard within touch of civilisation and of police control, which elements were undoubtedly responsible for the reversion of the first judgment and its substitution by the payment of camels. It would be interesting to discover a similar case, apart from any interference (actual or potential) with Arab Law, in which the more primitive penalty had been exacted.

CHAPTER XIII

LAWS RELATING TO WOMEN

The Weaker Vessel—Timidity and False Modesty—Differences in Western Desert—The Governor's Tobacco—Four Times the Damages—Indecent Assault—Elopement Expensive—Rape—Age of Consent—The Fracas at the Water-hole—Provocation.

A MAN'S life in Sinai, for purposes of bloodmoney, is worth forty-one camels, and in the Western Desert it is worth £300, or £400 in some cases. It is not maintained that these amounts accurately represent the actual value of a man's life, as presumably from the tribal standpoint an old man of seventy is not "worth" as much as a man of five-and-twenty. Legislation, however, always has to be made broadly for the majority, and Arab Law only recognises one average price for a man.

The value of a woman's life is interesting, because the codes relating to women differ so enormously in Sinai and in the Western Desert. In Sinai, the position may be summed up briefly by the statement that the value of a woman's life depends on whether she be killed by a man or by a woman. The fundamental starting point of the Sinai codes in this connection is that the woman is the weaker vessel, that in her ordinary life out in the desert she often has to be alone, and that she must be protected at all costs. Consequently any aggression or assault directed by a man against a woman is punished very severely indeed, and every effort is made to keep the women unmolested and free from interference or aggression.

The women in Sinai are very much more secluded than those of the Western Desert, and are heavily veiled, frequently with strings of coins dangling in front of their faces. A woman grazing a flock of goats in the desert will

often entirely cover her head when an Arab passes on his camel, and the more timid women run like rabbits on the approach of a stranger. If an Arab and his wife be together in the desert, and a personal friend of the husband approach, the woman will probably remain a hundred yards behind, as though trying to pretend that she has no connection with her husband. This seclusion is another symptom of the attitude towards women of the Sinai Arab, who regards them as very inferior beings mentally, whose ignorance and irresponsibility have to be jealously safeguarded. The refusal to accept the evidence of a woman, except in matters concerned with women only or with aggression against her person, is also indicative of this attitude towards the weaker sex.

A Sinai Arab woman, if injured or wounded, is extraordinarily fussy and particular about anyone seeing her wound or attending to her unless the wound be on her hands or face. If body-wounds have been inflicted, the wife of the "wound assessor" (referred to elsewhere) is ordered to examine the wound, and to report fully on it to her husband. Considering that the wound assessor himself is something over seventy, enjoying a wide reputation as an expert in these matters, this refusal to allow him to examine the wound himself savours of false modesty.

As against this seclusion and shyness among the Sinai women, the Western Desert provides a pleasant change. Women there do not wear the permanent veil, nor the string of coins, but leave the black crêpe headpiece loose, so that it can be pulled across the face in the presence of strange men. A woman in her own tent, or drawing water at the well among her own kith and kin, would not dream of veiling herself; and it is a cheerful sight to see a group of women and girls pulling cheerfully on the rope at the well mouth, exchanging jokes and playful banter with their men-folk watering the camels.

The Sinai custom presupposes that a woman is a poor

UNVEILED AND HAPPY—WESTERN DESERT

miserable defenceless creature—the Western custom assumes that she will give as good as she gets, should any nonsense arise. On a visit to a Western Bedou in his tent, it is quite common for the good wife to wipe off from her hand the flour from her breadmaking, and to greet one effusively, after which she goes back to her work.

A former Governor of the Western Desert soon after his appointment went on an inspection of his Province. He had previously served for many years in the Sudan, where men, women, and babies always turned out to meet an inspecting officer, the women and girls expressing their emotion in their usual shrill tremolo. The Governor had heard of the shyness of the Sinai women and the dourness of the Sinai men, and rather expected to find the same qualities among the Bedouin in his new Province. However, on his first patrol, about thirty miles from the nearest police post, he suddenly noticed an old Bedou woman running like a rabbit—not away from the road, but towards it, obviously with the idea of holding him up.

She reached the road about 150 yards ahead of the car, and waved two skinny arms to block the road. The car was stopped; the old lady smiled sweetly, and demanded tobacco. Her request was acceeded to, and after mutual salutations, the Governor was allowed to proceed.

The value of a woman's life or the compensation for a wound on a woman's body depend on whether she be killed, or whether the wound be inflicted, by a man or by a woman. If one woman kill another, both being of the weaker sex the law assumes that each had an equal chance of protecting herself. In such cases the usual bloodmoney of forty-one camels would be awarded. But if a man be the murderer, it is considered that the woman had no chance against the man, and that he was taking a mean advantage of his superior physical strength to overcome a weak defenceless creature. In such cases four times the usual bloodmoney would be insisted on, and the crime would be regarded as being very serious indeed.

Similarly, if a finger were broken in a fight between two women, it would be estimated at the usual price of about one camel. But if the same finger were broken by a man, its value would be automatically enhanced four-fold.

The procedure in cases of rape, indecent assault, and such like, also tends to shew the same fundamental emphasis on the mental and physical inferiority of the woman, although at the same time recognising that misconduct may take place with her acknowledged consent. When a married woman, whose husband is still alive, is found by her husband *in flagrante delicto* with a lover, the outraged husband is perfectly justified, according to Arab Law, in killing them both out of hand. Under these circumstances blood expiates blood, and the double bloodshed cancels any further claims on the part of the husband for the slur on the honour of himself and his house.

If the lover persuade the woman to elope, the crime is considered the worst insult possible, entailing the severest penalties. If the husband return home, and find his wife fled with the adulterer, and if, on giving chase, he can catch them up and kill them both, the position is as before. But if they escape entirely, the most extraordinary procedure obtains. The husband's family are perfectly justified, according to the provisions of their own code, in catching as many as four men from the abductor's family, and killing them out of hand. They are also entitled to round up and confiscate every single camel in the possession of the other family.

If the wife and her lover flee to a distance and take refuge with a neutral family, and efforts be made to settle the matter without bloodshed or the application of these extreme measures, an armistice will be declared, pending the settlement of the case. Even under these conditions the plaintiff family is allowed to confiscate twenty camels every morning for a week; and if the four men from the defendant family be not killed, the bloodmoney for four men must be exacted in lieu thereof. Thus the plaintiff

family is entitled to one hundred and forty camels (twenty a day for seven days) in addition to one hundred and sixty-four camels as bloodmoney for the four men, while the husband is also allowed to claim the camel or horse on which the guilty pair escaped, the sword, gun, or pistol carried by the seducer, as well as the marriage-money originally paid for the woman. These penalties, which some might regard as ridiculously severe, serve their purpose in rendering abduction practically unheard of.

If a man enter a tent and rape a girl against her will, her father (or her brother, as the case may be) is perfectly justified in killing the man at sight. Then, if the seducer expiate his crime with his blood, no further claim can be made. If, however, he succeed in escaping, the original Arab Law provided for the payment of forty camels together with one male and one female slave, as payment for the girl's honour. Nowadays the payment of the slaves, or money in lieu of slaves, is entirely eliminated, and it is usual for the claimant to forgo some of the camels. These provisions hold good equally, whether two different tribes be affected or whether the parties concerned be from the same family.

In order to claim four times the bloodmoney of a man, which is the maximum amount awarded for rape of an unprotected girl in the desert, her story must be satisfactorily corroborated by every ostensible evidence and proof. Her immediate return, her obvious excitement and distress, and her dishevelled condition would all help the sheikhs to form an opinion as to the genuineness or otherwise of her allegations

In Arab Law there is no "age of consent," a girl's virtue and honour being solely assets belonging to her father or husband, she herself not being entitled to consent to anything.

A minor case of assault was heard at a recent Court, containing several points of Arab procedure. In the bed of one of the wadis in Central Sinai it is possible to scrape

out holes in the sand, when water is obtainable at a depth of five or six feet. The labour entailed is considerable, this onerous work usually falling to the lot of the women; and the water, when arrived at, only trickles into the hole very slowly. Consequently every family make their own waterhole, and keep it cleared from drift sand, and regard it as their own private property, fifteen or twenty of these holes being often found within a few yards of each other in the wadi bed.

An Arab woman, originally of the Leheiwat tribe, but married to one of the Tiyaha, went with her donkey and half a dozen goats to her own particular water-hole. She laboriously cleared out the sand which had blown in overnight, watered the goats, and sat in the shade of a rock waiting for the water again to accumulate in the hole, in order to fill her two earthenware pots.

After about half-an-hour, when she was just going back to the hole, she looked up and saw an Arab from another family calmly stepping down into her water-hole, with his two donkeys laden with empty water pots waiting above.

When the case was heard, the woman's husband stated that the man had beaten her with his stick on the shoulder, and claimed damages for her wound and moral damages for the insult to himself and his wife. He submitted that the water-hole was just as much the private property of himself and his wife as his house would be, and reminded the court of the serious view taken by Arab Law of assault coupled with trespass in another's house.

The chief points to be decided at this juncture were:

1. Whether the woman was justified in taking any measures at all to protect her water rights, in the event of the man persisting in using the water-hole; if so,
2. How much provocation could she give him in defence of her rights without her action adversely affecting her case?
3. Did she, in point of fact, overstep this limit?

As regards the first point, the assessors of the Court agreed that she was entitled to take certain measures, but added that tact was essential, and that it would have been better if she had looked about for some independent witness to prove her rights in the case, rather than take matters into her own hands. The second point seemed to be too subtle for the Arab mind, and their answers on this score were non-committal. The third point was established by the evidence and statements of both the man and woman. It transpired that the woman had called out to the trespasser, and warned him off her water-hole. He took no notice, and went on filling his pots. The good lady stamped her foot in impotent rage, indulged in the worst insults and abuse that she could think of, and began to pour loose sand from the sides on to the man at the bottom of the hole. Thoroughly losing his temper, he picked up the stick by his side, and flung it at her savagely, hitting her right shoulder.

The Court agreed that, had it been proved that the woman had kept strictly within the proper limits of expostulation, she would be entitled to full compensation for her wounded shoulder (i.e. four times the damages for a similar wound on a man) and her husband would also be entitled to claim moral damages for the insult offered to his wife.

The man, however, claimed that he had as much right to take water from that particular hole as anywhere else, and protested that he was perfectly justified in what he did, when the woman tried to bury him alive in a water-hole by throwing sand down his neck. The Court upheld the woman's claim to exclusive rights at the water-hole, but opined that she was not justified in throwing sand at him, and that he too ought not to have beaten her as he did. Another complication arose here, as the sheikh of the Leheiwat refused to admit that the woman had no justification for her conduct. He drew a vivid picture of a poor defenceless woman, with the sun beating down on her,

scooping out sand, which fell back into the hole almost as fast as she removed it; the thirsty goats, their flanks fallen in and panting in the sun; and the wearisome wait, after watering the goats, for sufficient water to trickle back into the hole, before she could fill up her pots and go home to her children and her domestic duties. And then, just when she was about to conclude her arduous work, up comes a troublesome stranger with no right there at all, and begins to drain the last drop. Entreaties and persuasion were useless, there was no one else to appeal to, and all she did, under this extreme provocation, was to push down a handful of sand from the top of the hole with her foot. Did the Court seriously mean to imply that this action of hers cancelled her rights to full compensation for the unmerited assault and wound on her shoulder? The man's attack, besides being a slur on her husband, was a direct insult to the Leheiwat tribe as a whole, for which he (the sheikh) demanded full compensation and satisfaction.

The Court disallowed the husband's claim for moral damages, but awarded £3 as compensation to the woman for her shoulder wound; they further enunciated the principle that the man ought to have reported her behaviour to her people, and then, in the presence of two or three of her family as witnesses, he would have been entitled to beat her.

CHAPTER XIV

THE ANOMALOUS POSITION OF BEDOUIN LAW

Bedouin Law useful, but unofficial—Semi-settled Arabs—The runaway marriage—Camels as Hostages—Marriage or Abduction?—Drawing Lots—The Problem.

BEDOUIN LAW at the present moment is in an anomalous position. Although it has been accepted by the Desert Administration as a most useful weapon of law and order, yet officially, according to the Constitution of Egypt, Bedouin Law does not exist. Consequently it is a very moot point whether one could legally enforce the provisions of the Bedouin Code against the will of a Bedou litigant.

In actual practice among the tribes away from the Nile Valley public opinion is very strongly in favour of the enforcement of local customs, and instances of refusal to comply have never been reported. The following case, however, which affected a particular tribe in close proximity to the Suez Canal, involves a much more difficult question, as on this occasion one of the parties had a certain amount of justification for his contention that he was not subject to Bedouin Law.

About thirty miles east of Kantara on the Suez Canal the Masa'id tribe live among their palm trees; and their neighbours on the south are the Terabin. A girl from the Terabin called Zahra was employed as a servant by a local notable from the Masa'id called Salem, who employed this girl to wait upon his principal wife in her tent. It so happened that in the same establishment a youth from the Masa'id called Salman was working as a shepherd. Some of the Masa'id live in their tents in the Sinai desert, but

others have joined the semi-settled Arabs west of the Suez Canal in the Delta. Salman's father was one of the latter, and he used to graze a few animals (chiefly goats and sheep) on the fringe of the cultivation.

After a couple of years Zahra became marriageable, and Salman, who was then about twenty, proposed marriage, told her that he had £10 saved up for this purpose, and arranged secretly with her that when they next drew their monthly pay from their employer they should both escape to his family in the Nile Valley and get married. Pay-day came; they pocketed their money and quietly disappeared, intending to cover the thirty miles to the canal on foot. Their disappearance was not noticed until the evening, when the alarm was raised, and immediately Salem arranged to head them off, as he wanted to deal with his recalcitrant shepherd. Accordingly he summoned his men to chase the fugitives, but was delayed by finding that all his camels were out in the desert for grazing. However, he eventually managed to round up two of his camels, and borrowed three camels from a man of another tribe called Eleyan, who had come over for the day to see him on business. Salem himself, accompanied by other members of his family, then set off in pursuit, but after going a few miles one of the borrowed camels shewed signs of fatigue, and further delay was caused. After wasting more precious time with the tired camel it was sent back to its owner.

Meanwhile the news of Zahra's elopement had reached the Terabin encampment about fifteen miles away; and several members of the girl's family, who had not been consulted, and who had given no consent to this hasty marriage, jumped on their camels and gave chase.

When they had nearly reached the canal they overtook Salem and his men, accused them of aiding and abetting the runaways, and quietly took possession of their four camels as security for the immediate return of the girl. With these four camels as hostages they returned home,

leaving Salem to take what steps he liked to get Zahra back to her family.

Thanks to the delay caused by the tired camel Salman and Zahra reached the ferry safely, and fled to the Masa'id colony west of the canal. Here they were properly and officially married by the Mohamedan Marriage Court, on Salman's paying £10 to Zahra; and Salman was afterwards given employment by his father at £1 a month as a shepherd. As far as the husband and wife were concerned their position for the moment was simple—they were properly married, and no one could take Zahra away from her husband without coming into direct conflict with the Moslem Shere'i Law. However the matter could not rest at that.

Zahra's family claimed that according to the provisions of the Arab Law she was not properly married, because Salman had neither consulted them nor observed any of the requirements of Bedouin marriage custom. Thus (they claimed) although the Marriage Court might declare that she was properly married, this could not be upheld, and the girl must be at once returned to her family. The Masa'id, whose four camels had been taken, were equally anxious to ignore the ruling of the Marriage Court, and to get the case referred to the Bedouin Court composed of their own sheikhs, to re-try it according to the provisions of their own codes and customs. Eventually an agreement was made whereby the Masa'id promised to produce the runaway couple before a Bedouin Court at a specified time and place in Sinai, and the Terabin promised to produce the camels taken as hostages.

The Court duly assembled, and the Terabin claimed from Salman and his family a payment of thirteen camels in accordance with Arab Law, five camels being the "marriage money" and eight camels being the moral damages due to the girl's father and family for the insult caused by her abduction. Salman's father replied that although he was an Arab by birth he was an Egyptian

"Fellah" by adoption, having lived nearly twenty years in the Nile Valley; that if his son chose to marry he could not stop him and that he himself repudiated all responsibility for his son's actions or debts, maintaining that the tribalism and tribal customs of the desert could not be made to apply in the Nile Valley.

Salman himself then informed the Court that he was properly married to Zahra, that he knew nothing about Arab custom in Sinai, and that he had discharged the full extent of his obligations when he paid to Zahra the £10. He further challenged anyone to take his wife away from him, and added that it was absurd for the Terabin to claim anything from him, firstly because they had no claim or jurisdiction over him in Egypt, and secondly because he was employed as a shepherd at £1 a month, and could not possibly pay thirteen camels even if their claim were justified.

The Terabin retaliated that Zahra was a Sinai Arab girl born and bred, and that Salman had furthermore abducted her from Sinai. Hence the customs and codes obtaining in her tribe must be observed, irrespective of and without prejudice to the judgment or ruling of any other Court. They elicited the fact that Salman had claimed and obtained exemption from military service in Egypt on the grounds of his being an Arab, and hotly protested that if he were an Arab for purposes of exemption he was just as much an Arab when it came to the observance of marriage conditions in Arab Law. For a long time neither side would modify its position, and it looked as though the case would end in a deadlock. Eventually the Terabin magnanimously agreed to refer the whole matter to a jury of three Masa'id notables in Sinai, and to abide by their decision, provided only that Salman and his family paid one camel "on account" immediately. This was quite a reasonable claim, as in Arab Law whenever restitution or payment of any kind is demanded from the defendant, it is customary for him to pay a small

proportion of it at once as an earnest of his willingness to meet the full obligation of his debt in due course. Here again Salman protested that he did not possess even one camel, and again denied any liability.

The Sheikh of the Masa'id tribe in Sinai was then called, and it was pointed out to him that, unless some attempt were made by the Masa'id to satisfy the Terabin claims, reprisals would doubtless be taken, not on one or two solitary individuals of the Masa'id living in the Nile Valley, but on the rest of the tribe living near at hand in Sinai. He was therefore asked to co-operate in settling the case amicably by persuading the defendant family to offer a reduced payment as a compromise, and to assist in its collection. The Masa'id Sheikh politely but resolutely declined, pointing out that he had brought the defendant and his wife with much difficulty, against their wills, from the Nile Valley where they were living, and where he—as Sheikh of the Masa'id in Sinai—had no jurisdiction whatsoever, and that it would be *ultra vires* for him to attempt to extort payments from the defendant or his family. After the case had continued for five days the Terabin then modified their claim, and agreed to waive the payment of one camel and to refer the case to the three Masa'id sheikhs whose decision was to be final.

The Masa'id then reminded the Court that they had kept their half of the bargain and had produced both Zahra and Salman on demand, and asked that the Terabin should complete their contract and give back the four camels taken from them. This suggestion was enthusiastically seconded by Eleyan, with a view to the recovery of the two camels lent to the Masa'id. The Terabin announced that all four camels were waiting outside; so the Court adjourned to inspect and to hand over the camels to their rightful owners. The two Masa'id camels were handed over correctly without argument; but when Eleyan saw the other two waiting to be handed over to him, he became quite incoherent with impotent rage. They were half-

starved, badly made, singularly useless and mangey two-year-olds, and not his at all.

When the worst of the shouting and gesticulation had subsided, and Eleyan had again become intelligible, the Court were given to understand that the two borrowed animals had been particularly fine trotting camels in magnificent condition, and worth a good sum. This was unfortunate. This rather difficult case had had every appearance of being well on its way to a satisfactory conclusion, and was to be referred to the jury of three notables, to the immense relief of all concerned with its settlement. Both the Terabin and the Masa'id were satisfied, and everybody was beginning to breathe again, when this further complication occurred.

When asked to elucidate the mystery of these two miserable beasts, the Terabin replied glibly that they regretted that the actual camels taken from Eleyan could not be produced, as one had died and the other had been sold for £10 at Beersheba market; so they had brought the two now before the Court to replace them. Eleyan brought forward three witnesses from neutral tribes, who swore on the Koran as to the magnificent condition of his two animals at the time of their capture, and then further complicated the issue by claiming that one was a bull camel and that the other—a cow-camel—was pregnant and was due to calve two months ago. He therefore claimed his original two and the calf since born.

The Terabin denied this, and re-affirmed that one had died and the other had been sold. When asked which one had died, there was a difference of opinion among them, some saying that it was the male and others the female. This looked suspicious, and Eleyan refused to accept the two camels offered, and asked for the case to be postponed for a month, to enable him to collect evidence to prove that his original camels were still alive, and in the possession of the Terabin. His request was acceded to; Salman and his wife returned to the Nile Valley; the Masa'id went

home; and the Terabin, rather disappointed at not being able to palm off the two useless camels, disappeared from the scene.

A month later the court re-assembled, and under severe pressure in the meantime from Eleyan and his supporters the Terabin produced his original two camels in good condition. It was obvious, however, that the cow-camel had calved, and when brought to court she was in full milk. Eleyan therefore claimed that the calf was his; but the Terabin again prevaricated, and stated that the calf had died a week before. The next question was to ascertain the sex of the calf, as a heifer calf is of course more valuable than a bull calf; but on this point the Terabin refused to divulge anything.

After considerable discussion and delay, Eleyan consented to draw lots, and a neutral member of the Court was detailed to take three or four pebbles in one hand, and some smaller grit in the other. These were shuffled, and Eleyan was asked to draw right hand or left—the pebbles representing a male calf, and the grit a female.

Eleyan was lucky and drew the grit, and was eventually awarded £3 in lieu of the heifer calf and £4 as "loss of time" for the two other camels. The Terabin were made to pay half this sum at once in the presence of the Court, and signed an agreement to pay the remainder after one month.

The three Masa'id notables will shortly sit in solemn conclave to decide the question whether Bedouin Law and Custom can be made to apply against his will to a semi-settled Arab in the Nile Valley. The result of their deliberations will be awaited with considerable interest.

CHAPTER XV

CONCLUSION

Sheikhs, by Courtesy and Otherwise—Qualities required—Teaching of Zawias—Seals—Business Shrewdness—Mental Arithmetic—Scratch Currency—"The National Sport"—Characteristics—Summary.

THE word "sheikh" is an elastic term, and in the Nile Valley can comprise anything from the Lord Chancellor of the University in Cairo to the head of a family of but three brothers. It is also applied as a courtesy title to schoolmasters and officials of mosques, or even as an equivalent of the English "sir," when addressed to a stranger. In the foregoing chapters, and in the desert, it implies more specifically the head of a tribe or family, the recognised representative of a community.

The ideal sheikh should be above all a law-giver and administrator, and on his capabilities the well-being of his tribe very largely depends. If, in addition to diplomacy, a sense of proportion, and ability to sift matters relevant from a chaos of rubbish, he can also add to his credit a strong sense of humour, so much the better for the community that he represents. The same man, who has to grapple with life-and-death problems in the forenoon, may be called upon to deal with a gamut of petty little domestic squabbles for the rest of the day.

Naturally, being able to read and write is a tremendous asset to a sheikh, though this accomplishment is very far from being universal. In the Western Desert in the pre-war days the Senussi and Medani Zawias, although afterwards denounced as hot-beds of dissension and intrigue, did really good work. The rising generation was taken seriously in hand, and classes in reading, writing, and

A MERCHANT FROM BAGHDAD

Koran were held for the youngsters, not only at the zawias, but also out in the desert. A peripatetic teacher would wander forth, stay as a guest for a month in one tribal encampment, and conduct intensive lessons for all that desired instruction. He would then be given food and water for himself and his horse or camel sufficient to last him as far as the next encampment, where he would carry on the same procedure as before.

Most of the Western Bedouin who can read and write learnt in this way; and there are in addition a fair number who, though not professing this accomplishment, are capable of signing their names. This, however, is not considered satisfactory enough in the ordinary way when it is a matter of signatures for documents, and so most men possess themselves of a personal seal. These seals, engraved with the owner's name, are very roughly made by amateurish blacksmiths, and cost about a shilling. Some of the inferior ones would be very easy to copy, and so it is usual for a sheikh or important merchant to have a rather superior seal properly made in Cairo or Alexandria, with which to sign judgments in blood cases, and important business transactions.

In spite of the small percentage of literate Bedouin, it must not be imagined for a moment that they are all fools, or are not in many cases very shrewd business men. The illiterate Bedou merchant, referred to in the chapter on Debts, who is reputed to have made some £30,000 over the camel boom, possessed a very much abler brain than the educated European broker making the same profits on the Alexandrian Cotton Bourse. The former had to rely exclusively on his own memory and acumen, while the latter is assisted by clerks, ledgers, telephones, tape-machines, and so on.

In the hearing of these Bedouin Law cases it is difficult at first to separate the different issues, owing to the multitude of facts relevant and irrelevant being discussed at one and the same time. However, the assessors seem to be

capable of holding a tight grip on the essential points, irrespective of the mass of statements and mis-statements which prove so bewildering to the novice, but which seem to present no difficulty whatsoever to the litigants or to the Court. Furthermore their power of mental arithmetic is amazing, as is also their computation of scratch payments made. How many people, even with technical knowledge, would be prepared to add up the following amounts, and see how much was still left to be paid out of a total of £300?

2 ardebs* of barley	paid in 1906
1 she-camel with calf at foot	„ 1907
11 camel loads of chopped straw	„ 1908
25 Egyptian pounds in money	„ 1909
4 3/13 ardebs* of barley	„ 1910
1 mare (6 years old)	„ 1911
25 he-goats (yearlings)	„ 1912
55 goat skins cured 29 sheep „ 24 French Napoleons	„ 1913
2 Turkish pounds in silver 1 „ „ gold 1 dimlij (heavy silver bracelet) worth about £3	„ 1914

* The Western Desert ardeb is divided into 13 keilas = 300 lbs.

While working out these items, the assessors would remember, for example, that the local market-price of barley was fifteen shillings the ardeb in 1906, while it went up to £1 in 1910; and the then current prices of camels, straw, goats and so on would be equally fresh in their memories; and at the end of the recitation of the items, two or three of the assessors would immediately give the total paid, without any variation between them.

Besides these intricate calculations of crops, skins, and animals, the Aulad Ali have a wide range of currency comprising the Reyal or Dollar, the Binto or Napoleon worth about 19*s.* 6*d.*, the English Sovereign, the Egyptian

Pound worth 20*s.* 5*d.*, the Bereesa (2*s.*), the Dinar, varying from one shilling to two (an interesting relic of the Roman occupation), as well as the Qirsh Abiad (White Piastre) worth 1¼*d.*, and the Franc with a nominal value of 10*d.* All these are accepted currency, and the local Bedou has a confusing way of describing a sum of money in this mixed currency. Thus he might denote the sum of £2. 3*s.* 9½*d.* as follows:

		s.	*d.*
1 Egyptian pound	value	20	5
1 Napoleon	„	19	6
1 Bereesa	„	2	0
2 Francs	„	1	8
2 White Piastres	„		2½
	Total	£2.	3*s.* 9½*d.*

It must not be forgotten that, among illiterate desert folk with no other amusements of their own, the Ourfi Court corresponds to the English football match, the American baseball match, the Spanish bull-fight, and the Italian opera, all rolled into one—the desert "national sport." Without going out of their way to discover causes of disputes, there is usually sufficient litigation naturally occurring to justify a gathering of the clans. Once a case has started, everybody thoroughly enjoys the proceedings, especially the litigants, who appear to the uninitiated to be most angry or most excited.

In hearing these suits, it is desirable to go through with them and let every one have his say, but at the same time to insist on some result being arrived at. The litigants' witnesses and assessors have not come together from all over the desert merely to have the cases disposed of summarily in a few minutes by a learned judge, and unless they feel that they have had their "money's worth," the judgment, however sound, will not give satisfaction. This state of affairs would probably prove exceedingly trying to a professional lawyer, whose instinct is to rule out at once anything not strictly relevant, and to finish matters as

promptly as possible. In fact, unless the legal expert were prepared to make allowances for the mentality of his Bedouin Court, it is quite possible that he himself might sometimes miss the point.

Speaking generally, with all their faults (and they have many) the Bedouin have certain admirable qualities, which one cannot but admire. When trekking over the vast plains of the Libyan Desert, or among the stony "wadis" of Sinai, the local Bedou seems naturally to fit in with the landscape. All around is rough, rugged nature; and the Arab reflects the breadth of his surroundings in his thought, speech and actions.

If there be one admirable quality above another among the Bedouin, it is their utter lack of malice or animosity after one has had to punish them. They have their own tribal and family feuds, which are fostered and handed down for generations; but the individual Bedou, so far from scoring it up against the authority concerned, is appreciative of a strong line of action, even when directed against himself or his tribe. A police officer was one day greeted most effusively in the street by a Bedou, whose features seemed vaguely familiar, but whom he could not place. The Bedou wrung his hand violently, his face wreathed in smiles, and jerked out excitedly "Don't you remember me?" then, without waiting for an answer—"You gave me five years' gaol for theft—I've just come out to-day—By Allah! it's good to see you again."

The desert Bedou is above everything fearless and careless of life; and when he sets out to rob or raid from a neighbouring tribe purely in a spirit of mischief and well knowing that casualties on one side or the other are inevitable, however much one may condemn the lawlessness of the enterprise, one is compelled to admire his reckless courage. Similarly the Bedouin horsemen of the Western Desert in 1915, who stood their ground beside their ponies against a hail of machine-gun fire from armoured cars, and plugged shot after shot at the steel-plating, vainly

trying to find some vulnerable spot in the strange monsters, at least shewed dogged courage and determination.

To sum up the Bedou briefly: he is a sportsman by instinct, although occasionally treacherous according to Western ideas; a fearless fighter, an intrepid horseman, and a born host. His hospitality is boundless, and any passer-by is welcomed as one of the family. Naturally inquisitive, he curbs his curiosity, making it a point of honour to feed both guest and horse before asking questions as to their movements.

The Bedou leads a hard life, and yet retains a wonderful sense of justice, and a humour peculiarly his own. At the same time a confiding child and an arch-schemer, generous yet miserly, strong yet weak—he is, in one word, an anomaly.

INDEX

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